

CADON
EAB
-H26

EA-87-02

Government
Publications



ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 341

DATE: Wednesday, January 15, 1992

BEFORE:

A. KOVEN Chairman

E. MARTEL Member

FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416)963-1249

FARR
ASSOCIATES &
REPORTING INC.

(416) 482-3277

2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4





Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

<https://archive.org/details/31761116525445>

CAZON
EAB
-H26

EA-87-02

Government
Publications



ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 341

DATE: Wednesday, January 15, 1992

BEFORE:

A. KOVEN Chairman

E. MARTEL Member



FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416)963-1249

FARR
ASSOCIATES &
REPORTING INC.

(416) 482-3277

2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4

HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of a Notice by The Honourable
Jim Bradley, Minister of the Environment,
requiring the Environmental Assessment
Board to hold a hearing with respect to a
Class Environmental Assessment (No.
NR-AA-30) of an undertaking by the Ministry
of Natural Resources for the activity of
Timber Management on Crown Lands in
Ontario.

Hearing held at the offices of the Ontario
Highway Transport Board, Britannica Building,
151 Bloor Street West, 10th Floor, Toronto,
Ontario, on Wednesday, January 15, 1992,
commencing at 9:00 a.m.

VOLUME 341

BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.	)	MINISTRY OF NATURAL
MS. C. BLASTORAH	)	RESOURCES
MS. K. MURPHY)	
MR. B. CAMPBELL)	
MS. J. SEABORN	)	MINISTRY OF ENVIRONMENT
MS. B. HARVIE)	
MR. R. TUER, Q.C.	)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN	)	ASSOCIATION and ONTARIO
MS. E. CRONK	)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY	)	ASSOCIATION
MR. H. TURKSTRA		ENVIRONMENTAL ASSESSMENT BOARD
MR. J.E. HANNA	)	ONTARIO FEDERATION
DR. T. QUINNEY	)	OF ANGLERS & HUNTERS
MR. D. HUNTER	)	NISHNAWBE-ASKI NATION
MS. N. KLEER	)	and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK	)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MS. B. SOLANDT-MAXWELL)	
MR. D. COLBORNE	)	GRAND COUNCIL TREATY #3
MS. S.V. BAIR-MUIRHEAD)	
MR. C. REID	)	ONTARIO METIS &
MR. R. REILLY	)	ABORIGINAL ASSOCIATION
MR. P. SANFORD	)	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS	)	LIMITED and SPRUCE FALLS
MR. D. WOOD	)	POWER & PAPER COMPANY
MR. D. MacDONALD		ONTARIO FEDERATION OF LABOUR

APPEARANCES (Cont'd):

MR. R. COTTON		BOISE CASCADE OF CANADA LTD.
MR. Y. GERVAIS	)	ONTARIO TRAPPERS
MR. R. BARNES	)	ASSOCIATION
MR. R. EDWARDS	)	NORTHERN ONTARIO TOURIST
MR. B. MCKERCHER	)	OUTFITTERS ASSOCIATION
MR. L. GREENSPOON	)	NORTHWATCH
MS. B. LLOYD)	
MR. J.W. ERICKSON, Q.C.)		RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK	)	MUNICIPAL COMMITTEE
MR. D. SCOTT	)	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR	)	ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL	)	GREAT LAKES FOREST
MR. S.M. MAKUCH)	
MR. J. EBBS		ONTARIO PROFESSIONAL FORESTERS ASSOCIATION
MR. D. KING		VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. H. GRAHAM		CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN		DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC		MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES		ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI		BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY

APPEARANCES (Cont'd):

MR. R.L. AXFORD

CANADIAN ASSOCIATION OF
SINGLE INDUSTRY TOWNS

MR. M.O. EDWARDS

FORT FRANCES CHAMBER OF
COMMERCE

MR. P.D. McCUTCHEON

GEORGE NIXON

MR. C. BRUNETTA

NORTHWESTERN ONTARIO
TOURISM ASSOCIATION

I N D E X O F P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>DR. KEITH NEUMAN,</u>	
<u>MS. SUZANNE DUBE-VEILLEUX,</u>	
<u>MR. CHARLES ALEXANDER, Resumed.</u>	59458
Cross-Examination by Ms. Seaborn	59458
Cross-Examination by Mr. Freidin	59496
Re-Direct Examination by Mr. O'Leary	59590
Cross-Examination by Mr. Freidin (Cont'd)	59595
Re-Direct Examination by Mr. O'Leary (Cont'd)	59655

I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
2037	Three-page excerpt from the Red Lake Timber Management Plan, 1991-1996.	59527
2038	Three photographs depicting Buffalo Island, just east of Obakamiga.	59556
2039	Two-page letter dated September 8th, 1990, from the district manager of Red Lake to Mr. Bev Cheney.	59556
2040	Pages 92 to 100 of the Red Lake plan for the 1991-1996 term, Section 7.1 entitled Environmental Planning Considerations for Fishery and Wildlife Areas.	59557

1 ---Upon commencing at 9:10 a.m.

2 DR. KEITH NEUMAN,
3 MS. SUZANNE DUBE-VEILLEUX,
4 MR. CHARLES ALEXANDER; Resumed.

5 MADAM CHAIR: Please be seated. Good
6 morning, Ms. Seaborn.

7 MS. SEABORN: Good morning, Madam Chair,
8 Mr. Martel.

9 Good morning, members of the panel. I
10 have met each you of you individually, but my name is
11 Jan Seaborn and I am acting for Ministry of the
12 Environment in these proceedings.

13 To my left is Mr. Mark Sutterfield who is with
14 the Ministry of the Environment, northwest region.

15 I would like to begin this morning, Madam
16 Chair, with some questions for Ms. Dube-Veilleux.

17 CROSS-EXAMINATION BY MS. SEABORN:

18 Q. Ms. Dube-Veilleux, in your
19 evidence-in-chief you described for the Board your
20 experience in respect of participating in the timber
21 management planning process, correct?

22 MS. DUBE-VEILLEUX: A. That's correct.

23 Q. And based on that experience you have
24 identified for the Board what you believe are
25 prerequisites for meaningful public consultation to
occur; is that correct?

1 A. That's correct.

2 Q. And these are set out at page 24 of
3 your witness statement or augmenting that witness
4 statement in attachment 1 to Exhibit 2024 which is the
5 errata sheet that was filed on Monday?

6 A. Yes.

7 Q. Now, looking at Exhibit 2024,
8 attachment 1, one of the essential components you
9 identify is that a full range of choices be fairly
10 presented and that's item 7 on that list?

11 A. Yes.

12 Q. And that component is similar to or
13 compliments item 3 on page 24 of the witness statement
14 where you suggest that specific proposals be provided
15 to focus discussion?

16 A. That would be item 2, I believe.

17 Q. I'm sorry, item 2, yes, on page 24.
18 Is that correct?

19 A. Yes, I would say that's comparable.

20 Q. Without dealing with the level of
21 detail that may accompany the choices or proposals,
22 would it be a fair summary of your position that
23 options for timber management activities should be
24 presented to the public as part of any public
25 consultation program?

1 A. Definitely options should be made
2 available, yes.

3 Q. Would you agree to the extent that
4 options can reasonably -- excuse me.

5 Would you agree that to the extent that
6 options can be reasonably provided for public review
7 and comment an opportunity exists to reduce conflict
8 amongst stakeholders?

9 A. I believe that would be -- yes, that
10 would certainly assist in reducing conflicts.

11 Q. I take it that would be for the
12 simple reason that there would be an opportunity for
13 the public to comment on and discuss the options prior
14 to the selection of a preferred option?

15 A. That's right. The public would see
16 the reasons why these options were chosen with all the
17 factors included and that way would be more informed
18 and able to form an opinion and to choose an option.

19 Q. Is it fair to say that in the context
20 of promoting effective public consultation you would
21 support a process that ensured that the public had
22 options to consider even if those options were not
23 generated by the planning team following precise
24 methodology that's set out in the OFAH/NOTO terms and
25 conditions which is Exhibit 1637?

1 A. You're suggesting that the public
2 would have accessibility to those options even if they
3 were not...

4 Q. Let me put it more simply.
5 Regardless of how -- in the event that options were not
6 put forward by the planning team or generated in the
7 precise way or following the precise methodology that's
8 set out in the OFAH terms and conditions, would you
9 still agree with me that options should be presented to
10 the public?

11 A. Definitely, and the public should
12 also have enough information to present options of
13 their own. What we're looking for is a realistic way
14 of dealing with the forest over the long term for
15 everyone involved in the use of that forest.

16 Q. Would you see it as a function of a
17 planning team to put forward advantages and
18 disadvantages in relation to options for timber
19 management planning?

20 A. Yes, I think that's self-evident.
21 Looking at the options that a planning team could put
22 forward, depending on the make-up of the planning team
23 itself and which terms and conditions you are looking
24 at as far as the make-up of the planning team goes, I
25 would suggest that the planning team would not be the

1 only body capable of presenting options.

2 The expertise on the planning team should
3 be used to provide the information in order for choices
4 to be made.

5 Q. And looking at the terms and
6 conditions of the Coalition, term and condition No. 5
7 in particular and that's Exhibit 1637 --

8 MADAM CHAIR: Which item is that, Ms.
9 Seaborn?

10 MS. SEABORN: Yes. Madam Chair, page 1
11 of the final draft terms and conditions which is not
12 page 1 of the exhibit. Term and condition No. 5.

13 MADAM CHAIR: The Coalition's terms and
14 conditions.

15 MS. SEABORN: Yes, I'm sorry. Exhibit
16 1637.

17 MADAM CHAIR: All right. Point us in the
18 right direction, please.

19 MS. SEABORN: Yes. On page 1 we see term
20 and condition No. 5 and a heading above that 2.2,
21 Objectives in Timber Management Plans.

22 MADAM CHAIR: Thank you.

23 MS. SEABORN: Q. Would you agree with me
24 that in the event that the Board does not accept as
25 precisely worded in these terms and conditions

1 presented by OFAH the concept of the goal statement
2 which is item 2.1 and objectives in timber management
3 planning as precisely set out by the Federation as
4 appropriate for this approval, would you still agree
5 that effective public consultation can still be put
6 forward as an important element of the planning
7 process?

8 MS. DUBE-VEILLEUX: A. The question I
9 find difficult to answer. I would agree that effective
10 public consultation can take place if it is properly
11 planned and executed and that part of it obviously
12 is -- I can agree to.

13 I would have to know what the goal is
14 going to be if it is not the goal stated within the
15 Coalition's terms and conditions in order to know
16 whether that public consultation would be headed in the
17 right direction.

18 Q. So even if the goal were somewhat
19 different than what is set out in these terms and
20 conditions, would you agree that we still would require
21 an effective public consultation process in order to
22 make this approval operate, for lack of a better term,
23 on the ground effectively?

24 A. Definitely. Public consultation is
25 required for any type of activity which would involve

1 or affect the public.

2 Q. Could we turn for a moment to Exhibit
3 2031 which is the Illing report?

4 A. Yes.

5 MS. SEABORN: Madam Chair, my copy is the
6 blue covered book.

7 MADAM CHAIR: Which page, Ms. Seaborn?

8 MS. SEABORN: Turn to Tab 2. Page 1 of
9 Tab 2 is headed local citizens' committee.

10 I think Mr. Alexander has it there.

11 MR. ALEXANDER: Yes.

12 Q. Now, beginning at page 3 behind Tab 2
13 there is a heading Relationship Between the Local
14 Citizens' Committee and the Planning Team?

15 MS. DUBE-VEILLEUX: A. Yes.

16 Q. Now, these terms and conditions as
17 set out in the Illing report have been accepted by the
18 Coalition, correct?

19 A. That's my understanding.

20 Q. Is that your understanding as well,
21 Mr. Alexander or do you know?

22 MR. ALEXANDER: A. Yes, I think that's
23 my understanding.

24 Q. In item 3 A one of the agreements
25 reached in relation to the local citizens' committee

1 was that the local citizens' committee may nominate a
2 representative of the committee to serve as a member of
3 the timber management planning team.

4 Now, am I correct that that provision is
5 similar to your experience in respect of the Nagagami
6 FMU where you explained you acted almost as a member of
7 the planning team?

8 MS. DUBE-VEILLEUX: A. Yes, it would be,
9 although I was not representing the public as a whole.
10 I was representing the tourism industry in particular
11 on the planning team.

12 Q. And would you agree with me that the
13 formation and operation of a local citizens' committee
14 as described in these terms and conditions should over
15 time prove to be of assistance in conflict resolution?

16 A. I agree.

17 Q. Would you agree that the local
18 citizens' committee should have the ability to
19 structure its committee and operate as it sees fit
20 based on local needs and requirements?

21 A. I would say that would be essential.

22 Q. One example of that may be to assist
23 in the structure of how information centres took place,
24 for example?

25 A. I would expect that would be part of

1 the job of the local citizens' committee, yes.

2 Q. To have some input with the planning
3 team in those sorts of matters?

4 A. Yes.

5 Q. Based on your experience over the
6 past several years in timber management planning, would
7 you agree with the view that's been expressed to the
8 Board that the reason for decreasing attendance at open
9 houses has been effective conflict resolution early on
10 in the process?

11 A. Could you repeat that, please.

12 Q. We have heard evidence in the hearing
13 that attendance at open houses has been dropping. Let
14 me start this way. Would that be your experience as
15 well over time?

16 A. Yes, over time.

17 Q. And what I am suggesting is, would
18 you agree that one of the reasons for decreasing
19 attendance at open houses has been as a result of
20 conflict resolution early on in the process or would
21 there be another reason for decreasing attendance or a
22 different reason?

23 A. Well, certainly if there was conflict
24 resolution early on I would see more attendance because
25 the people would be, for one thing, wanting to meet

1 with other parties to discuss certain things that were
2 proposed in the plan and they would feel more
3 comfortable talking together about issues and
4 alternatives presented within the planning process.

5 Q. Thank you. I want to deal for a
6 moment with the issue of bump-up, first in the context
7 of OFAH/NOTO term and condition 79 which was referred
8 to yesterday I believe. That term and condition is at
9 page 14 of the Coalition's terms and conditions.

10 MADAM CHAIR: Could we speak up a little
11 louder, please, for the court reporter. Thank you.

12 MS. SEABORN: Madam Chair, obviously from
13 my client's perspective we have some concerns about
14 whether this term and condition is something that could
15 be contemplated under the act as it is currently
16 written, but, in any event, I just want to ask a few
17 questions to make sure that I understand the proposal
18 that's being put forward by the Federation in any
19 event.

20 Q. Now, would you agree, Ms.
21 Dube-Veilleux, that when we speak of a bump-up request
22 what we are talking about is the preparation of an
23 individual environmental assessment?

24 MS. DUBE-VEILLEUX: A. Yes, I
25 understand.

1 Q. What I understand is being proposed
2 in term and condition 79 is that where 60 per cent of
3 the public advisory committee or now what would be the
4 local citizens' committee do not approve the plan or a
5 portion of the plan there will be an automatic referral
6 to an EA Board of that plan for an environmental
7 assessment hearing?

8 A. That's the proposal, yes.

9 Q. And is it fair to say that what is
10 being proposed is not an individual environmental
11 assessment be prepared and considered for referral to
12 the Board by the minister, but an automatic hearing is
13 being proposed to resolve conflict?

14 A. The short answer is yes, but I think
15 if we refer back to the Illing report and the make-up
16 of that citizens' committee working with the planning
17 team and with all the best information available, if
18 after all that has been done and conflicts have been --
19 or any potential or existing conflicts have been dealt
20 with and we still can't get at least 60 per cent
21 approval, then there is something drastically wrong and
22 perhaps an individual environmental assessment would be
23 the only way to resolve it.

24 I'm not saying that that would the ideal
25 way to resolve it. The ideal way would still be

1 locally and going back to the table as often as you can
2 to get consensus on some type of proposal that would be
3 acceptable to a much larger majority of the local
4 population.

5 Q. What I am suggesting -- I am not
6 questioning what the rationale is for your term and
7 condition, I think I understand that.

8 What I am suggest something is that what
9 has been put forward to the Board is essentially
10 something that my client would term that would be
11 different from bump-up.

12 What is being put forward to the Board is
13 a conflict resolution proposal wherein if there was not
14 a majority of acceptance of the plan you would
15 automatically be in front of a Board such as Madam
16 Chair and Mr. Martel and have an environmental
17 assessment hearing with respect to that plan and that
18 is my understanding of what is being proposed here.

19 MADAM CHAIR: Could I ask a question, Ms.
20 Seaborn.

21 Is it your belief that all individual EAs
22 under current bump-up mechanisms would receive a
23 hearing by the Board?

24 MS. DUBE-VEILLEUX: It would be our hope
25 and my personal hope that those things wouldn't occur

1 basically with the process that would be in place
2 beforehand, that indeed over time that there would be
3 very, very little requirement for any type of bump-up
4 procedure or whatever we chose to call that procedure
5 outside of the local capacity of that province.

6 MADAM CHAIR: I guess the point that I
7 think Ms. Seaborn is getting at is that very few
8 environmental assessments come before this Board; they
9 are disposed of in other ways by the Ministry of the
10 Environment and the proponents.

11 In fact, this Board has never heard a
12 bump-up from, obviously, this class environmental
13 assessment on timber, but I understand what you are
14 saying. You are saying some sort of bump-up mechanism,
15 but Ms. Seaborn I think is trying to investigate more
16 carefully whether you think something should appear
17 before the Board because as it is constituted now that
18 wouldn't necessarily happen.

19 If a bump-up were given -- if Mrs. Grier,
20 the Minister of the Environment, approved a bump-up
21 that doesn't mean necessarily it would come before this
22 Board.

23 So would you be satisfied with bump-ups
24 that don't come before the environment assessment
25 Board?

1 MS. DUBE-VEILLEUX: I'm afraid I don't
2 quite understand. Are you saying that --

3 MADAM CHAIR: I don't know how far we are
4 going to get with this.

5 At the present time, the way the act, the
6 Environmental Assessment Act is set up is if an
7 environmental assessment -- if a bump-up request is
8 approved by the Minister of the Environment that
9 doesn't mean that this Board will hear that, that means
10 that an individual environmental assessment will take
11 place and the Ministry of the Environment will be
12 involved as would the proponent, the Ministry of
13 Natural Resources in case, but this Board might never
14 hear about it. We might never be involved because it
15 wouldn't be designated for a hearing.

16 MR. MARTEL: I guess what we are trying
17 to get at is what is the Coalition's position vis-a-vis
18 this?

19 Are you suggesting it must come before a
20 Board like this or does it go the bump-up route at the
21 discretion of the minister and how she determines where
22 it will go which might not bring it before a Board. It
23 depends on what what you are trying to get at which
24 isn't clear, I think.

25 MS. SEABORN: I think that was certainly

1 the intent of my question, Mr. Martel. Certainly, my
2 reading of this term and condition, and I would like
3 the witness to correct me if I am wrong, is that we are
4 dealing with a situation where there will be an
5 automatic referral to this Board of a plan or a portion
6 of a plan in dispute.

7 Q. From my client's perspective, just so
8 you understand our position, that is something that's
9 very different from preparing -- I mean, the Minister
10 of the Environment say to a proponent, you must prepare
11 an individual environmental assessment on this issue
12 for my consideration and then I will determine whether
13 or not I want to refer that environmental assessment to
14 the Board for a hearing and in my mind those are two
15 very different steps.

16 MS. DUBE-VEILLEUX: A. I believe I
17 understand you now. I suppose that I don't feel
18 personally qualified to comment on the legalities of
19 it.

20 My support for this particular -- my
21 personal support for this particular term and condition
22 was based on the fact that I feel strongly that if
23 things had have been dealt with ahead of time would
24 almost constitute a type of environmental assessment on
25 a local level and involving the people.

1 My understanding is that having done all
2 of that background work and gathered the information
3 and still cannot come to a consensus at the end of the
4 day, that -- so I would have to go to someone who
5 knew -- who had more experience than I do in the actual
6 dealing of the legalities of this.

7 But my understanding would be, if
8 consensus cannot be reached after having all the best
9 information, then there has to be some type of
10 mechanism there that will kick in and make a decision
11 on how that is done. I'm afraid that's not my field of
12 expertise, only that there has to be some type of
13 mechanism that would kick in.

14 MADAM CHAIR: The Board certainly
15 understands this witness' evidence, but we would ask
16 the Coalition -- obviously, this term and condition has
17 been under discussion between the Coalition and the
18 proponent for some time and we would just ask the
19 Coalition at this point whether they intend to bring
20 any witness to address this term and condition
21 specifically.

22 Will you be talking about this in Panel
23 9?

24 MR. O'LEARY: Madam Chair, I'm not in a
25 position at this point to advise you of the exact

1 wording, but the Coalition is going to propose a modest
2 amendment to that condition which, according to a legal
3 opinion, is thought to bring it within the requirements
4 of the act.

5 It is at that point that I think it might
6 be more appropriate to address and answer your
7 questions in respect to exactly what the Coalition's
8 position is both legally and from a process point of
9 view, but there will be a member of Panel No. 9 that
10 will be speaking to this term and condition.

11 So one of our witnesses will be speaking
12 to that and I hope to have the wording shortly, then I
13 can advise both the Board and all parties.

14 MADAM CHAIR: All right. Thank you, Mr.
15 O'Leary.

16 MR. MARTEL: Does the amendment alter the
17 position that -- to some degree at least, that the
18 Federation had taken, let's say, during the
19 negotiations?

20 MR. O'LEARY: In effect no. The result
21 will be the same except that we feel it is now -- to
22 make a long story short, if I can summarize. I believe
23 there was some concern as to whether or not you could
24 over-ride the minister's discretion. It is felt that
25 that couldn't be done, but my means of a public

1 advisory committee saying, we think that because we
2 can't reach what is considered a reasonable consensus
3 on this, which is 60 per cent, that the matter should
4 be subject to an environmental assessment by this
5 Board.

6 MR. MARTEL: Which bypasses the ministry
7 and the ministry?

8 MR. O'LEARY: But it shows good faith on
9 the part. It's not a frivolous matter.

10 MR. MARTEL: I am not saying it is
11 frivolous. I am just saying, if I read it correctly
12 you are saying it gose from the citizens' committee,
13 bypasses the minister directly to the Board for a
14 hearing?

15 MR. O'LEARY: Let me go back to the
16 wording which I had only seen briefly a week ago and I
17 would like to speak to it at that time.

18 MR. MARTEL: All right.

19 MADAM CHAIR: Go ahead, Ms. Seaborn.

20 MS. SEABORN: Q. If it's determined by
21 the Board that term and condition 79 or a similar
22 proposal is not appropriate for a term and condition of
23 this approval, would you agree with me that other
24 mechanisms have been proposed in both the Illing's
25 report and in MNR's terms and conditions in respect of

1 bump-up and conflict resolution that are intended to
2 alleviate some of the concerns that you have expressed,
3 and if it would be helpful I will provide you with some
4 examples?

5 MS. DUBE-VEILLEUX: A. Yes, I will have
6 to look again at the particulars terms and conditions
7 and perhaps examples would help.

8 Q. Let me take you to some examples
9 because I think that will be more efficient for all of
10 us.

11 If you look at the Illing report, Tab 2
12 again, local citizens' committee, you will see that
13 item 2 on page 2 deals with the purposes and the line
14 says:

15 "The purpose of the local citizens'
16 committee is to participate as an
17 integral part of the timber management
18 planning process by..." and then a
19 number of items are listed, (a) through (g).

20 Now, would you agree with me that when
21 read together item 2(1) through (f) confirm that the
22 local citizens' committee plays an important role and
23 its purposes are in fact geared toward conflict
24 resolution?

25 A. I would agree that with items (a) to

1 (f) being fully persuaded that, yes, the committee would
2 be effective as a working group.

3 Q. Item 2(g) makes particular reference
4 to bump-up requests and then it says:

5 "One of the purposes of the LLC would be
6 to provide advice to the district manager
7 when discretionary decisions must be
8 made; e.g., categorization of amendments
9 and responses to bump-up requests."

10 So in that regard or at least in that
11 respect there is an understanding that the local
12 citizens' committee will have an opportunity to provide
13 input in respect of bump-up requests; is that correct?

14 A. It is the concern that one person
15 would be making the decision, that the district
16 manager...

17 Q. Would you agree that the district
18 manager would be ignoring the advice of his local
19 citizens' committee at his peril given these sorts of
20 purposes of that committee? Would you agree with that?

21 A. I would definitely agree with that.
22 I think maybe the only point I would have to make here
23 would be the trust factor again which we discussed at
24 quite some length yesterday, that these people will
25 have to feel that ultimately they have more than just

1 an advisory job to the district manager.

2 I am saying that not meaning any type of
3 faceitiousness or anything else, but that trust factor
4 is extremely important.

5 MR. MARTEL: Could I ask a question at
6 that stage because it is what worries me.

7 I accept the concerns that this panel has
8 expressed to us about the whole matter of trust, but
9 where does it start?

10 I mean, somewhere along the line we have
11 to say that the leaf has turned over and we have got to
12 start. Where do we start?

13 One can always put forth that concern and
14 it becomes evident with all the panels that we have
15 heard and the witnesses we've heard as we have
16 travelled to satellite hearings and everybody says this
17 hearing is changing MNR's response to concerns, there
18 is a more responsive position and the bottom line
19 appears to be that, well, the concern remains that
20 after this hearing is over we might go back to square
21 one.

22 But somewhere along the line testing that
23 trust has to come into play and do we build in so many
24 safeguards that the system can't move until we prove
25 somebody is trustworthy or should that be part of the

1 five or six year review after an approval has been
2 achieved?

3 If they continue to behave in an
4 obnoxious way, let's say it that way, they did that for
5 the next six years, what do you think the response
6 would be at the first six-year review?

7 I mean, that's one of safeguard, isn't
8 it, that there is going to be another review of this
9 process five or six years after it comes into existence
10 and somewhere along the line we have to got to start to
11 say -- I mean, where do we do it, upfront or do we wait
12 for five or six more years before we start to rely on
13 the confidence that's required in order to make the
14 process work?

15 MS. DUBE-VEILLEUX: I have to express
16 that it's a completely personal opinion. I'm afraid
17 that even with having gone through all this the concern
18 is still going to be there.

19 I understand what you're saying, that at
20 some point along the line we have to start trusting.
21 Now, perhaps -- this is only something right now. If
22 the district manager -- supposing we say: All right,
23 we accept this one as it is written, the district
24 manager then has to become completely responsible back
25 to the committee and basically we would be looking at

1 sort of a mini bump-up in the area.

2 If the minister -- if the district
3 manager feels that he has to say no to this strong
4 recommendation he has to give his reasons in great
5 detail and prove that the reason for saying no is
6 better than the reason for the recommendation. I don't
7 know, but that trust factor is still going to be what
8 makes it work and I don't really want to wait five or
9 six years neither because a lot of damage can be done
10 in five or six years that will be irreparable.

11 MR. MARTEL: Yes, but hasn't the fear,
12 some of the fear of some of the parties been that
13 things are working now, but -- the impression to me at
14 least has been that it is because this hearing is going
15 on and people are watching much more carefully but boy,
16 just wait until the hearing is over and we might be
17 back to where we started from.

18 That seems to be an underlying fear of
19 many of the witnesses we have heard, from my
20 perspective at least. I'm simply saying that there is
21 a safeguard being built in that MNR -- they could go
22 back after five or six years -- I mean, they could go
23 back to square one, if that's the concern of people,
24 and do what they want, but if you are going to have the
25 whole thing reviewed in six years -- I mean, can you

1 imagine the uproar at the end of five or six years if
2 having gone through this experience no one learned
3 anything.

4 DR. NEUMAN: Mr. Martel, if I can beg
5 your indulgence and provide a personal opinion.

6 MR. MARTEL: Help me.

7 DR. NEUMAN: Two points. One, I suspect
8 that there could be another reaction to that if your
9 hypothetical situation did take place after five or six
10 years. One possibility is there would be an uproar.

11 The other possiblility is no reaction
12 because the people observing that take place would
13 become so cynical about the system and feel that if
14 everything they went through to this point didn't have
15 an impact, they may be pretty upset, but they may also
16 feel, what's the point because they went through all of
17 this and look what happened.

18 So there is another possible reaction. I
19 would suggest that that reaction wouldn't suggest that
20 people are happy with the situation, but the level of
21 trust and confidence in the system would be such that,
22 you know, why bother.

23 MR. MARTEL: Except that what we are
24 hearing is that people feel there has been a
25 significant change and that the hearing has prompted

1 some of it and we have changed -- literally as we go
2 along there are changes being made and we are talking
3 four years, too.

4 DR. NEUMAN: Yes.

5 MR. MARTEL: Could an agency having gone
6 through this really try to turn the clock back without
7 an uproar?

8 DR. NEUMAN: Well, I think that could
9 happen. I think -- my final point.

10 On the issue of safeguards and trust in
11 five or six years, I suspect that having a certain
12 number of safeguards in now probably would make some
13 contribution towards some confidence or trust in the
14 system.

15 MR. MARTEL: But the safeguard, is it not
16 that this process will undergo a major review six years
17 after its finality? I mean, there will be a whole
18 review of what has gone on. I mean, that's already
19 built in in one of the terms and conditions.

20 MADAM CHAIR: I would just jump in on
21 that point and not confuse any of the discussion by
22 five or six years.

23 There is an approval period and review
24 requirement that has been suggested as a term and
25 condition and I think it's -- well, there are various

1 amounts of time that have been suggested. So I
2 don't think we should confuse ourselves with that.

3 I think Mr. Martel's basic question has
4 to do with -- well, I think you have discussed it at
5 length and that is, your view very strongly that the
6 local citizens' committee must have more than simply an
7 advisory capacity because you believe otherwise the
8 district manager won't listen to you or won't take the
9 advice seriously.

10 MS. DUBE-VEILLEUX: I certainly wouldn't
11 want to put it on a personal district manager basis,
12 but, as Dr. Neuman suggested, this would be one of the
13 safeguards that's built in automatically as the system
14 kicks in that would instill that trust and would
15 guarantee the trust.

16 Now, we are also talking about a regional
17 level here, too. We're not going specifically possibly
18 from the local level to the...

19 I'm certainly not in a position to make
20 all the recommendations; that's not my field of
21 expertise, but I do feel very strongly based on my
22 experience over 15 years that that local trust -- that
23 trust in the community has to be there to make the
24 system work, and I do agree that certain things are
25 changing right now and we are doing things a lot

1 differently now than we did five years ago, but to be
2 effective for the future the safeguard have to be built
3 in and the whole system is based on that trust factor.

4 MADAM CHAIR: Why do you think the
5 proponent would not be in favour of this provision?
6 Why do you think that the Ministry of Natural Resources
7 would not want a local citizens' group to have some
8 ability, authority, right, to request automatically
9 that a bump-up take place or something like a bump-up?

10 MS. DUBE-VEILLEUX: Well, I understand
11 that ultimately the district manager is responsible for
12 his district. You are asking why would they not want
13 this term and condition?

14 MADAM CHAIR: I assume they don't support
15 it because it doesn't show up in the negotiated
16 agreement to date, so I assume they don't.

17 What would be the fear of the local
18 manager? What in your opinion would be the fear of the
19 local manager if it the local citizens' committee had
20 this authority?

21 MS. DUBE-VEILLEUX: I suppose, based on a
22 little bit of experience with human nature, one of the
23 fears might be that the very vocal -- local could take
24 over and influence others. That's about the only thing
25 that I could see as a deterrent to this type of thing.

1 MADAM CHAIR: Do you think the MNR would
2 believe that every timber management plan would be
3 subjected to an automatic bump-up request by the local
4 citizens' committee?

5 MS. DUBE-VEILLEUX: No. I would think
6 that that would be almost a built-in guarantee for the
7 MNR as well, that type of request would actually
8 diminish. It would have to diminish because everyone
9 now is working in a trusting situation and based on
10 good faith because this was what we live in, this is
11 our reality every day and together we're going to make
12 a decision that's best for all of us.

13 The idea of even having to request a
14 bump-up would almost, in my opinion, disappear.

15 MR. MARTEL: What responsibility goes
16 with it, though? Is that an underlying fear of the
17 ministries, for example?

18 Let us say that -- I will just give you a
19 hypothetical, and I am not trying to use any scare
20 tactic. Let us that say that as a result of bump-up
21 there is no wood supply for a small operator and he
22 went out of business. I mean, MNR presently would have
23 to accept responsibility for that.

24 Does the citizens' group -- I mean, what
25 responsibility do they accept if that were to occur?

1 I mean, I am asking, is that part of the
2 underlying fear that might have been expressed by any
3 number of parties? We weren't at the hearing and we
4 don't know what went on, but is that the sort of
5 underlying fear that could be prevalent amongst some of
6 the parties?

7 MS. DUBE-VEILLEUX: I think it's a fear
8 that we all share, that anyone -- we all share a real
9 definite fear out there that somebody from the outside
10 is going to make your decisions because maybe that type
11 of thing can happen.

12 Conversely, if we are making our own
13 decisions we are going to make sure that our mills stay
14 to the extent that the forests can provide a wood
15 supply. We want to maximize that. That's what's
16 hiring the people in our communities certainly. Most
17 of our communities are simply lumbering towns and that
18 is of extreme importance and we don't want to lose
19 that.

20 We may have to do things differently in
21 the forestry industry to make it good for a longer
22 period, but if we are working together then we can
23 balance all those things at the local level. We don't
24 want to lose the tourism industry neither. We don't
25 want to lose the opportunities for the local residents

1 and for visitors to the area, the recreation
2 opportunities. We don't want to lose any of that and
3 that's the problem.

4 I don't know how else to emphasize that
5 the more -- these communities are small communities.
6 Everyone knows one another. Everyone has a very vested
7 interest in keeping these communities alive.

8 Even given the experience that we have
9 over the last years and the way things have changed and
10 I look at the community of Hornepayne where there is a
11 real fear there that there is a shortage of wood on the
12 Nagagami Forest. We know that's going to affect the
13 community. These people now are starting to prepare
14 for it now.

15 You know, it's a reality. There is no
16 Minister of the Environment now or 20 years from now
17 that can change the fact that that community has to
18 live there and they want the best for it and they are
19 going to do what they have to do. There may be some
20 tradeoffs, but they will be negotiated tradeoffs among
21 the people to whom it matters most.

22 MR. MARTEL: Thank you.

23 MADAM CHAIR: Go ahead, Ms. Seaborn.

24 MS. SEABORN: I think, Mr. Martel, in the
25 context of your question about trust, certainly my

1 client's position would be that the trust will start or
2 the trust will continue from changes that have already
3 taken place as a result of this Board's decision and my
4 clients believes that quite strongly.

5 Q. One of the items I think you agreed
6 with, Ms. Dube-Veilleux, was that the district manager
7 would be ignoring -- would ignore the advice of his or
8 her local commit at his peril; is that correct?

9 MS. DUBE-VEILLEUX: A. At his peril,
10 right.

11 Q. One of the terms and conditions
12 that's been proposed by MNR in Exhibit 2032, I don't
13 think it is necessary to go to it, and it is something
14 that is supported by my client, is that any
15 documentation produced by the local citizens' committee
16 and the district manager shall be -- in respect of a
17 bump-up request or in respect of advice in relation to
18 a bump-up request will be part of any record that is
19 produced for the Minister of the Environment so that
20 that information, including the advice of the local
21 citizens' committee, will be squarely before the
22 minister and she would have that in front of her in
23 determining bump-up requests.

24 Were you aware of that provision.

25 A. Yes, I was.

1 Q. Does that seem like a reasonable
2 proposition to you?

3 A. I would think it would be required.

4 Q. Thank you. Now, the existing bump-up
5 procedure allows any person, including the local
6 citizens' committee itself, one of its individual
7 members, someone from the community, someone from
8 outside the community to request a bump-up at any time
9 during the planning process is that correct, before the
10 plan is approved?

11 A. That's correct. That's my
12 understanding of it.

13 Q. And once that request is made or
14 assuming a request is made certain criteria will now be
15 applied by MOE staff in evaluating any request and that
16 criteria, Madam Chair, is found in Exhibit 1974 which
17 is the bundle of correspondence from Mrs. Grier in
18 respect to the EAAC report and outstanding designation
19 request.

20 Madam Chair, if you turn to the fifth
21 page of Exhibit 1974 you will see a heading Criteria
22 For Assessing Bump-Up Requests Made Under Class
23 Environmental Assessments.

24 MADAM CHAIR: The Board has a copy, Ms.
25 Seaborn.

1 MR. O'LEARY: May I ask, Ms.

2 Dube-Veilleux, have you had an opportunity to see any
3 of this document previously?

4 MS. DUBE-VEILLEUX: The balance of the
5 document. What I have is -- my copy is a specific
6 letter to Dr. Biar from the minister regarding his
7 recommendations.

8 MADAM CHAIR: After the signature page
9 where Ruth Grier signs off, the page following that.

10 MS. DUBE-VEILLEUX: After the signature
11 page?

12 MADAM CHAIR: Yes, her letter is three
13 pages.

14 MS. DUBE-VEILLEUX: Oh, yes. It is on
15 the back. I'm sorry.

16 MS. SEABORN: Q. If you could just read
17 through those very quickly. I just have one short
18 question in respect of them.

19 Would you agree with me that these
20 criteria appear to be generally consistent with a
21 number of the concerns in respect of public
22 consultation that you have provided evidence in respect
23 of this week?

24 MS. DUBE-VEILLEUX: A. I believe this
25 addresses many of the concerns, yes.

1 Q. Thank you. Now, Ms. Dube-Veilleux,
2 you said during your evidence-in-chief that NOTO -- I
3 just want to make sure I have this right.

4 Although you weren't speaking for NOTO,
5 it was your understanding that NOTO was adopting the
6 OFAH terms and conditions as filed in November 1990,
7 correct, and that's Exhibit 1637?

8 A. I would also note that that is a
9 draft and is still subject to revision as we go along.

10 Q. That's fine. And NOTO itself filed a
11 set of terms and conditions in November of 1991 as
12 well, and is it fair to say that at least for the
13 purposes of the presentation of the Federation's case
14 that we should be disregarding those terms and
15 conditions at this time?

16 A. I don't feel qualified to answer that
17 because I'm not speaking for NOTO. I'm afraid I'm not
18 aware of NOTO's position on that at this point.

19 MR. O'LEARY: The answer is yes, but, as
20 Ms. Dube-Veilleux says, there will be, and as I have
21 alluded to, amendments to Exhibit 1637.

22 MS. SEABORN: So to the extent that there
23 is a change in position with respect to the Coalition's
24 terms and conditions in front of the Board that that
25 will be reflected in an update of Exhibit 1637?

1 MR. O'LEARY: That's correct.

2 MS. SEABORN: Okay. I just have a couple
3 of questions for Dr. Neuman, Madam Chair, and then I
4 will be finished.

5 Mr. Sutterfield has just reminded me that
6 I should make it clear that in terms of the context of
7 my questions about bump-up and the local citizens'
8 committee it would be MOE's intention -- or MOE's staff
9 intention to also obtain input directly from a local
10 citizens' committee in the event that a request went
11 through the district manager and then the regional
12 director and had not been resolved so that MOE staff
13 could, in evaluating the request and providing advice
14 to the minister, also speak directly with the local
15 citizens' committee to get their views.

16 They would obviously have that
17 documentation that I referred to earlier, but there
18 would also be some contact there and that will be a
19 suggestion from MOE.

20 Q. Dr. Neuman, I just have a couple of
21 questions for you this morning. I take it you would
22 agree with me that the results of public opinion polls
23 can and often do shape government and industry response
24 in respect of certain issues?

25 DR. NEUMAN: A. They can, yes.

1 Q. And the same could be said in respect
2 of forestry related issues?

3 A. Yes.

4 Q. In a piece at least of the 1989
5 public opinion poll concerns were expressed in respect
6 of a number of issues that you discussed such as
7 environmental impact, number of trees, logged,
8 clearcutting, numbers of trees planted, correct?

9 A. Yes.

10 Q. And reforestation?

11 A. Yes.

12 Q. Regardless of whether these concerns
13 are real, they are concerns that the public have in
14 respect of forestry matters?

15 A. Well, it doesn't sound to me to be
16 accurate to say whether or not they're real. Is that
17 your question or...

18 Q. What I am saying is, there may be a
19 variety of bases for these concerns. They may be real
20 concerns, they may be perceived concerns, they may be
21 concerns as a result of lack of information on a topic.

22 There may be a variety of reasons for the
23 public having these concerns, but the fact of the
24 matter is they are concerned about forestry related
25 issues?

1 A. Yes. I think it would be incorrect
2 to say that they might be -- I'm not sure I remember
3 the term, but imagined concerns. Was that the term you
4 used?

5 Q. I think I said futile or perceived
6 concerns.

7 A. Yes, I think the term perceived
8 concerns is a contradiction of sorts. If there is a
9 concern, it's a concern. So I don't think I will make
10 the distinction amongst real versus perceived concerns.

11 Q. Okay, that's fine.

12 A. Does that answer your question?

13 Q. That's fine. The Board has heard a
14 substantial amount of evidence in communities across
15 the province at the various satellite hearings in
16 respect of forestry related concerns and in particular
17 with respect to timber management planning as you are
18 aware.

19 Now, would you agree with me, Dr. Neuman,
20 that these concerns also represent legitimate public
21 input in respect of forestry matters and cannot be
22 ignored?

23 A. Yes, although I haven't specifically
24 seen that evidence or testimony, but apart from knowing
25 the actual substance I would agree.

1 Q. Would you also agree with me that to
2 the extent that this Board's decision addresses
3 concerns raised by the public an opportunity exists to
4 alleviate negative public opinion?

5 A. Could you just rephrase that? I'm
6 not sure I understand your question.

7 Q. What I am suggesting is that to the
8 extent that this Board's decision addresses public
9 concerns, and these could be the same kind of concerns
10 generated through the poll or they could be the
11 concerns put forward by the public at these various
12 satellite locations, an opportunity would exist through
13 a decision such as this Board's to alleviate negative
14 concerns with respect to forestry matters?

15 A. Yes, an opportunity does exist.

16 Q. Thank you.

17 MS. SEABORN: Those are all my questions.

18 Thank you, Panel, Madam Chair, Mr.

19 Martel.

20 MADAM CHAIR: Thank you, Ms. Seaborn.

21 MR. FREIDIN: Could we have a five-minute
22 break or maybe you want to take the morning break
23 early.

24 MADAM CHAIR: The court reporter doesn't
25 like to go on for two hours straight. So why don't we

1 take a short break.

2 MR. MARTEL: That's what will happen
3 almost. If we come back at 20 after and she has got to
4 go right through until noon, that's a long run for one
5 court reporter.

6 MR. FREIDIN: Okay. Five minutes?

7 MADAM CHAIR: Yes, fine, Mr. Freidin.

8 ---Recess at 10:05 a.m.

9 ---On resuming at 10:10 a.m.

10 MADAM CHAIR: Go ahead, Mr. Freidin.

11 CROSS-EXAMINATION BY MR. FREIDIN:

12 Q. Ms. Dube-Veilleux, I would like to
13 start with some questions for you. During your
14 evidence dealing with public consultation you made the
15 comment that there was a problem with open houses
16 because you can't get everyone together, some evidence
17 along those lines.

18 Can you just sort of expand on what you
19 meant by not being able to get people together?

20 MS. DUBE-VEILLEUX: A. Yes. I would
21 like to expand on it from both sides, both as a member
22 of the public going into an open house and hoping to
23 meet someone there that I could discuss opinions with
24 and get information with.

25 Q. Right.

1 A. And also from the side of having been
2 involved in organizing open houses and trying to get
3 information to the people that I was interested in
4 getting it to.

5 Q. Okay.

6 A. Basically I think it comes down to
7 the point where we've been starting our open houses at
8 nine o'clock in the morning and going until nine on or
9 ten o'clock at night and others were at -- I'm sorry, I
10 said open houses. I would have to include information
11 session with that.

12 Q. Sure.

13 A. We had others that started at noon
14 and went until ten o'clock at night. Now, for any of
15 these, whichever you go to, it is a long time, staff
16 time, and a lot of time is available there and we are
17 hoping to get the shift workers coming in and people
18 who have to come in from out of town because, again,
19 for each timber management plan in our unit we usually
20 have at least two communities to hold the open house
21 in.

22 Q. All right. So you are saying the
23 long hours are basically necessary to take into account
24 the shift workers?

25 A. That's right.

1 Q. Okay.

2 A. And the people who have to travel.

3 Q. Right.

4 A. So we feel that's a requirement. We
5 have to have those long hours if we are going to give
6 everyone an equal opportunity to come in. So that's a
7 given.

8 Now, based on those long hours, there are
9 many of those hours where there is absolutely nobody
10 there generally. When people do come in, you might get
11 one tourist operator coming in at one point looking at
12 the maps that he is concerned with and the
13 prescriptions around the particular lake, two hours
14 later the other operator on the same lake shows up and
15 looks for the same information on the prescriptions.
16 He's talking to the forester, he's talking to the
17 biologist, both of them are.

18 In the meantime there are members, you
19 know, general members of the public who are there who
20 are also interested in what's going to happen around
21 these particular lakes.

22 The operator and the fellow from the
23 public don't ever get an opportunity to -- I shouldn't
24 say don't ever, but very seldom have an opportunity to
25 talk together about it.

1 Q. Who doesn't get the opportunity, the
2 member of the public and the tourist operator now you
3 are talking?

4 A. Right, and to talk to the biologist
5 at the same time.

6 Q. Okay.

7 A. So that everyone is understanding the
8 same thing. I think, again, I'm going to come -- I
9 realize the intent of the open house is not to be a
10 bare pit session necessarily, although that is always
11 what we hope is going to happen, that we will have
12 enough people interested in the same area to show up
13 and talk together and that's usually when things to
14 get -- when meaningful communication does take place.

15 Q. Okay. Well, can you turn -- take out
16 the Illing report, Exhibit 2031 please and turn to Tab
17 No. 2.

18 A. I'm sorry, could you be more
19 specific. I don't the tabs.

20 Q. All right. Well, it's actually the
21 fifth tab, local citizens' committee.

22 A. Yes.

23 Q. Would you, first of all, look at an
24 agreed term and condition 2(b). We are looking at
25 Appendix 1, the local citizens' committee.

1 Madam Chair, I was advised by Ms. Seaborn
2 that the tabs should be marked A, B, C and then 1
3 through 10. Is that how you have got yours marked?

4 MADAM CHAIR: Yes, I have got I have A,
5 B, C, 1 through 10. Which tab?

6 MR. FREIDIN: Tab 2.

7 MADAM CHAIR: We are on Tab 2 and we are
8 on item 2(b)?

9 MR. FREIDIN: Yes. Turn to page 2 of Tab
10 2 and you should be at Appendix 1, local citizens'
11 committee, if your book has been put together the same
12 as mine.

13 MADAM CHAIR: Yes.

14 MR. FREIDIN: All right.

15 Q. Under 2(b) it states that:

16 "The purpose of the local citizens'
17 committee is to participate as integral
18 part of the timber management planning
19 process by increasing the effectiveness
20 of the four stage public consultation
21 process..." which would include
22 information centres and open houses,

23 "...by participating in its
24 implementation and in the consideration
25 of any additional formal public

1 consultation opportunities that would be
2 useful in the context of local
3 circumstances and needs."

4 I would also direct your attention to the
5 next page, paragraph 3(d), another agreed to term and
6 condition that indicates that the -- dealing with the
7 subject matter of the relationship between the local
8 citizens' committee and the planning team, it says:

9 "The planning team and representatives
10 of a local citizens' committee should
11 attend public information centres."

12 Now, you indicated in an answer to Ms.
13 Seaborn that you thought it was essential that these
14 local citizens' committees have the flexibility to
15 adopt their own procedures and to be innovative in
16 terms of public consultation.

17 I would suggest to you, Ms.
18 Dube-Veilleux, that these two terms and conditions
19 which have been agreed to and which have I have put to
20 you, in fact, provide the opportunity to the local
21 citizens' committees in any particular forest
22 management unit to design additional mechanisms at
23 information centres, whether they be bare pit sessions,
24 whether they be getting people together, it provides
25 you with that tool. Would you agree?

1 A. It certainly does.

2 Q. All right. You also indicated in
3 your evidence that -- when I say to you you said in
4 your evidence, I tried to take your evidence down as
5 clearly as possible. If I misdescribe what you said
6 correct me.

7 I have you down as saying: Before the
8 plan comes before the public the public should have
9 detailed information.

10 A. Before the draft plan comes out.

11 Q. All right, before the draft plan
12 comes out. You said before the plan. I'm not sure
13 which plan you were referring to.

14 A. Yes, it is the timber management
15 plan, but, as you are aware, there is the draft stage
16 where there is an opportunity for public consultation
17 be, but that's after a lot of the groundwork has been
18 done and then there is an opportunity for public input,
19 but most of the public doesn't see anything until that
20 point.

21 Q. All right. So when you said before
22 the plan comes before the public the public should have
23 detailed information, were you talking about before the
24 draft plan comes before the public?

25 A. Yes. I would like to amend my former

1 statement. I said they didn't see anything until the
2 draft came out. That's not exactly correct.

3 The information session has taken place
4 earlier on in the process, but it is the open house
5 procedure. At this time, that's the way it operates.
6 So that the open house --

7 Q. All right. What's the reason that
8 you are concerned about that information becoming
9 available before that first information centre.

10 A. Well, there is a time element here.
11 The whole procedure in putting forward -- in coming to
12 a final plan, a final approved plan is, as you know, 18
13 months to 20 months to complete the process and we were
14 concerned that the public start having information and
15 be able to talk about this because, obviously, it's a
16 large item of interest in these communities.

17 The idea is to have a lot of realistic
18 information early on in the process. A lot of it
19 mainly to take care of conflict resolution before it
20 comes becomes a blown up thing.

21 Q. Okay. Now, Ms. Dube-Veilleux, would
22 you again refer to page 2 of Tab No. 2 of the Iling
23 report?

24 A. Okay.

25 Q. Dealing with the local citizens'

1 committee. There has been an agreed term and condition
2 regarding the main interest which would be represented
3 on a local citizens' committees. You will see that on
4 Panel 1.

5 Would you agree with me that's a fairly
6 extensive list of the sorts of interests or
7 stakeholders which would exist on the forest management
8 unit?

9 A. Yes, that is a -- you are looking at
10 the list?

11 Q. I am looking at the list, yes.

12 A. Yes.

13 Q. Now, that local citizens' committees
14 has, as you will see in paragraph 3 on page 3, has a
15 certain relationship with the planning team.

16 You can have a local citizens' committees
17 which will nominate a representative on the committee
18 to serve as a member of the timber management planning
19 team, other members of the local citizens' committee
20 may attend planning team meetings as observers, joint
21 meetings of the local citizens' committee and the
22 planning team shall be held at agreed upon stages of
23 the planning process and one was referred to, the
24 planning team and the reps will be at the public
25 information centres.

1 Now, it seems to me, Ms. Dube-Veilleux,
2 that if you have got all of these interests represented
3 on the local citizens' committees and they have the
4 relationship which is set out in paragraph 3, the whole
5 purpose of designing this local citizens' committee is
6 to make sure that all these interest groups are
7 represented right from the start, that they are there
8 through the collection of background information, the
9 initial discussions of the planning team, all the
10 things which go on before the draft plan is presented,
11 so that they can be the mechanism through which their
12 clientele or constituencies are kept advised of what is
13 going on and the sorts of information that's being
14 gathered prior to the first public information centre.

15 Now, first of all, do you agree with me
16 that that is the intent, the general thrust of having a
17 local citizens' committee in the first place?

18 A. That's correct, and that's exactly --
19 I guess this matches the terms and conditions that the
20 Coalition is adopting.

21 Q. Would you agree, therefore, that this
22 would address your concern about information being made
23 available to the public before the plan is presented at
24 the first public information centre?

25 A. It should take care of that, yes.

1 Q. Thank you. You also said in your
2 evidence, and this was in a discussion and it took some
3 time, some dialogue between you and Mr. Martel, about
4 the general description of the intent regarding
5 non-timber values in the timber management plan. Do
6 you remember --

7 A. That's right.

8 Q. I think Mr. Martel put the
9 proposition to you that really he thought what you
10 wanted was some sort of statement of objectives and you
11 said, "You would have expected it in the goal statement
12 or in the problem and issues section." Is that right?

13 A. I said that, yes.

14 Q. All right. Now, do I understand
15 correctly that you would like to see in a timber
16 management plan an identification of the management
17 objectives for non-timber values which would exist in
18 other plans or policies and which could be effected by
19 timber management activities to be carried out on the
20 unit?

21 A. If I could take it one step at a
22 time.

23 Q. Okay.

24 A. I would expect the broad statement in
25 any timber management plan to recognize that this

1 plan -- the planning of timber harvest and renewal and
2 tending has a major effect on all of the forest and on
3 the forest structure. That forest structure also
4 supports other industry and other non-timber values.

5 I would expect the plan would lay forth
6 clearly that this plan will be written and conducted in
7 a manner to best achieve the timber goals in
8 conjunction with allowing other non-timber values to
9 also -- I suppose to give a shorter version. If you
10 refer back to the Coalition's term and condition on the
11 goal statement here, No. 3 on page 1.

12 Q. Page 1, yes.

13 A. Term and condition No. 3:

14 "To provide a predictable supply of
15 resource benefit from the forest estate
16 through management of the forest
17 structure."

18 That covers everything. It says you are
19 going to do the best job for the timber, it also allows
20 all other resource benefits within that TMP to be
21 maximized.

22 Q. I think what we are getting into is
23 an area that I also wanted to discuss with Mr.
24 Alexander.

25 The proposition I put to you was that --

1 let me put it this way. Would you turn to
2 interrogatory No. 7 of the Ministry of Natural
3 Resources. That's Exhibit No. 2023.

4 MADAM CHAIR: 2023, Mr. Freidin?

5 MR. FREIDIN: 2023, interrogatory No. 7.

6 Do you have that?

7 MR. MARTEL: Page 4, Mr. Freidin?

8 MR. FREIDIN: Yes.

9 MR. FREIDIN: Q. Do you have that now?

10 MS. DUBE-VEILLEUX: A. Yes, I do.

11 Q. Now, in that question, question 7
12 arises out of a comment about the public is not
13 presented in timber management plans with a
14 comprehensive range of alternatives, et cetera. You
15 were asked a question:

16 "Is one of the options open to the public
17 during the consideration of alternatives
18 the option to choose a preferred
19 alternative which could involve the
20 elimination of timber management
21 activities on the forest management unit.
22 If not, why not."

23 The response was:

24 "Yes, that's an option possibly like any
25 other possible option. However, the cost

1 and benefits have to be fully assessed as
2 would exist in legal obligations."

3 Now, I take it from that you are looking
4 at this planning process which is being discussed as
5 one which would permit during the preparing of a timber
6 management plan a decision to be made by the planning
7 team that, on the one hand, there be no timber
8 management activities at all, but there should be
9 wildlife and recreation benefits created through some
10 means or putting it on the other hand, that there may
11 be no recreation or remote tourism, they should all be
12 made available for timber management.

13 That's what I understand your answer to
14 say; is that correct? Do I understand your answer
15 correctly?

16 A. I think in any decision-making
17 process there are two extreme positions and if you want
18 to go that route, yes, there is always a no-cut option
19 and there is also an option to maximize at the expense
20 of others. That goes without saying.

21 Q. All right. Now, whether or not you
22 believe that that would be the outcome, I understand
23 that the proposition or the planning process, as you
24 understand it, that's being proposed is one which would
25 permit after some reasoned discussion and consideration

1 at the forest management unit level that could actually
2 result in one of the extremes, you are getting very
3 close to one of the extremes.

4 It may not happen, but the process you
5 are putting forward provides the opportunity that that
6 would happen depending on the discussion which took
7 place during the timber management planning process.

8 A. I would submit that that's an option
9 at the present time as well. So, yes, in that context
10 that is a possibility, but that is also a possibility
11 under the present system.

12 Q. Tell me why you think that under the
13 present timber management planning process and
14 particularly the one being put forward by the Ministry
15 of Natural Resources and the one which has been
16 followed for the last five years that that is an
17 option, that during timber management planning someone
18 could actually decide we are going to turn the forest
19 management unit into a remote tourism area and we are
20 not going to have timber management because we think we
21 can get more benefits from the forest through remote
22 tourism.

23 Tell me why you think that that is
24 possible under the present system?

25 A. I would submit that a long history of

1 decision making has come up with just that type of
2 results, mostly the opposite way.

3 Q. The long history, are you talking
4 about site specific now?

5 A. Site specific, yes, but let's talk --
6 either way you are going to be managing this forest on
7 an annual basis. I would like to think that you will
8 be doing it on an annual basis.

9 Q. Ms. Dube-Veilleux, let's break this
10 down because I suggest to you there is a difference.

11 Where you have a site-specific value
12 identified, whether it is a remote tourism operator,
13 whether it is an eagle's nest or whatever, within the
14 context of the timber management planning process,
15 would you agree with me that decisions are made in some
16 cases that there will be no timber management in a
17 certain area in order to protect that value?

18 A. That there will be no timber
19 activity.

20 Q. In a certain area to protect that
21 value?

22 A. Right.

23 Q. So in that context there is a
24 decision where there is a tradeoff made between timber
25 management and another value, okay?

1 A. Yes.

2 Q. In that context, one might say that
3 the people who are doing the planning were assessing
4 the benefits of timber operations in that little area
5 versus the other value. Would you agree with that.

6 A. I would say a judgment had been made,
7 yes.

8 Q. I would suggest to you that's a
9 completely different animal, different thing to say
10 that when you are doing a timber management plan that
11 you start off and you say: I have got a clean slate
12 out there and I'm going to look at my whole forest
13 management unit and I am now going to say -- let's
14 assume there are only two values, there is remote
15 tourism and that can produce certain benefits, certain
16 economic impacts and I have got timber management, and
17 there is an option there.

18 Now, I suggest to you that the present
19 timber management process is not one which would allow
20 the planning team, the public to come to their decision
21 every five years on every forest management unit that
22 the way that they were going to clean fill in their
23 clean is slate would be all tourism, no timber
24 management.

25 I suggest to you that there is a

1 pre-existing decision which has been made through
2 through land use plans and higher level planning which
3 has said timber management will take place on certain
4 geographical areas. So will a lot of other things, but
5 you can't come up with a decision which is going to
6 change all that.

7 A. I would like -- are you making
8 specific reference to anything that we have suggested
9 might allow for that?

10 Q. You told me when I asked you earlier
11 that it would and now I am asking you about the present
12 planning process.

13 It is your understanding of the present
14 timber management planning process -- I am not talking
15 about the District Land Use Guidelines or the land use
16 planning exercise, I am talking about the timber
17 management planning process.

18 Is it your understanding that you can do
19 what I have suggested, that you start with a clean
20 slate every five years and you decide from what sort of
21 resources you want to achieve your benefits and then
22 you develop your plan accordingly?

23 A. I would suggest that any reasonable
24 group of people, as we are proposing here, and indeed
25 as the Illing report reflects, as all the intervenors

1 have come to a conclusion under a system such as this,
2 we are recognizing off the bat that timber management
3 planning will exist.

4 Does that answer your question?

5 Q. All right. Let's put it this way,
6 then. You would not support a planning process which
7 as worded -- if you got something that was put before
8 you and it was a planning process which, in fact,
9 allowed for that kind of decision, that in a forest
10 management unit every five years you started with a
11 clean slate or you started with the decision five years
12 earlier, that you actually do away with timber
13 management, you wouldn't support a planning process
14 which, in fact, gave that kind of power to the people
15 doing the planning on the forest management unit?

16 MR. MARTEL: Mr. Freidin, might I just
17 intervene here for a moment because I think I'm having
18 as much as difficulty as she is having, okay.

19 When you start with the five-year slate
20 from scratch, I think what you are saying is -- but
21 that doesn't take into account what they are saying.
22 Are you making a hypothetical--

23 MR. FREIDIN: No.

24 MR. MARTEL: --that any time you start
25 from something new for five years do you ignore

1 everything else that's there?

2 I'm having difficulty following you, I
3 must say, as to what you are really trying to get at
4 and if you could help me that might help her answer the
5 question, but I really am having difficulty trying to
6 understand where you're going. Maybe you can help me.

7 MS. DUBE-VEILLEUX: Thank you, Mr.
8 Martel.

9 MADAM CHAIR: Ms. Dube-Veilleux, what I
10 understand from Mr. Freidin's cross-examination is that
11 he is asking you whether you agree that a realistic
12 option, when you sit down to look at a timber
13 management planning as a member of the local citizens'
14 committees, whether you believe a realistic alternative
15 is to eliminate timber operations in a management unit.

16 Do you believe that's as realistic as
17 sitting down and looking at the alternative of
18 eliminating remote tourism in a timber management plan?

19 MS. DUBE-VEILLEUX: I heard it come in
20 different ways. Sometimes -- and that's why I'm having
21 a problem because, as I said a little bit earlier,
22 there is always an option both ways and that's part of
23 a decision-making process, but we are talking about a
24 timber management plan and a plan that over an area
25 covered by a whole forest management unit.

1 Obviously, if it is a forest management
2 unit we expect to have forest management activity as
3 part of the running of that whole unit. Therefore, I
4 would have trouble even thinking that a reasonable
5 option for a team would be to say: We are going to
6 forget forest management for the benefit of tourism, as
7 was the example that Mr. Freidin put forth. I would
8 have trouble believing that that would be
9 inconceivable.

10 MADAM CHAIR: The Board understands you
11 perfectly, but Mr. Freidin is left with an answer to an
12 interrogatory of his where the Coalition's view is that
13 is an option that should be examined.

14 MR. FREIDIN: I think a way to deal with
15 this -- I think I have this witness' view.

16 MADAM CHAIR: The Board understands her
17 view.

18 MR. FREIDIN: Q. Can I assume, Mr.
19 Alexander, that -- well, do you accept what Ms.
20 Dube-Veilleux said on this topic? Is there anything
21 you would like to add?

22 I think what I am going to do, Madam
23 Chair, is I want to get these two witness' view of it.
24 I don't want to get into an exercise with these witness
25 about what all these words mean in the terms and

1 conditions. I will save that for Dr. Quinney and some
2 other people in Panel No. 9 or maybe some other panel
3 because they understand all the jargon I'm sure a
4 little bit better than most, certainly better than I
5 do, as they put it, but I want these witness' view of
6 that.

7 MADAM CHAIR: Mr. Freidin, is this a good
8 time? Do you want the witnesses to reflect over the
9 break? Is this a good time to break or do you want the
10 answers before we break?

11 MR. FREIDIN: Whatever is convenient to
12 you, the reporter and the witnesses.

13 MADAM CHAIR: Mr. Alexander, are you
14 ready to answer the question?

15 MR. ALEXANDER: Yes, I am prepared to
16 make a comment on that.

17 I think the Coalition or certainly the
18 Federation has always said since day one, we support
19 the multiple use concept of the natural resource in the
20 Province of Ontario and that includes the harvesting of
21 timber and I think we have always been very pro timber
22 company and very pro Ministry of Natural Resources.

23 The only place we have the problem is we
24 run into difficulties on the size of areas that should
25 be left, that shouldn't be cut, should it be 120 metre

1 reserve, should it be 240 metres or should the clearcut
2 be 100 acres or should it be 5000 acres. I mean,
3 that's where we have the problems.

4 We support the multiple use concept, and
5 I think the situation where you would say there will be
6 no timber harvesting in that particular area are very,
7 very (inaudible) for that to happen except site
8 specific location where there are some genuine concerns
9 of some other values.

10 MR. FREIDIN: Q. So, as I understand
11 you, the timber management planning process is one
12 which you believe will take place within the context of
13 a decision made, for instance, in land use plans that
14 all these various multiple uses are going to take place
15 on the land base in the district. The forest
16 management unit is part of the district; is that
17 correct?

18 MR. ALEXANDER: A. That's correct.

19 Q. Is that right, Ms. Dube-Veilleux?

20 MS. DUBE-VEILLEUX: A. Throughout an
21 area, yes.

22 Q. Right.

23 Q. Just so I understand, that when those
24 land use plans were made certain decisions or
25 objectives were identified that we want remote tourism.

1 They identify remote tourism lakes, so we would like to
2 have those protected, we have identified that timber
3 management should take place in this area and identify
4 that along with a number of other uses.

5 So you see that as the starting point for
6 your timber management planning exercise; is that
7 correct?

8 A. It is a component of that exercise.

9 Q. Right. It is something which has
10 already been done?

11 A. To some extent, yes.

12 Q. All right. Now, are you suggesting
13 that within the timber management planning process you
14 should do it again or you should do some more land use
15 planning or should you do what I understand Mr.
16 Alexander was saying, is that you should make sure you
17 put the right size of buffers around so your clearcuts
18 aren't too big?

19 There is a difference, and I want to know
20 clearly from each of you which kind of process are you
21 advocating. Mr. Alexander?

22 MR. ALEXANDER: A. Well, the kind of
23 process that I'm advocating is very simply that you
24 manage for everything that's out there and show the
25 same amount of concerns and interests and dollar values

1 and everything else into what is out there and present
2 those options to the public and, yes, manage the
3 resources of this province, but give everybody equal
4 opportunity.

5 Q. All right. Now, I started talking
6 about objectives, and I want to go back to you, Ms.
7 Dube-Veilleux, because you said: Well, we have done a
8 little bit of that or some of that in the land use
9 planning exercise, District Land Use Guidelines and the
10 like.

11 We have fisheries management plans in the
12 district, public process. I think one of you indicated
13 it was fairly complicated and extensively. They set
14 objectives for fisheries management. They, in fact,
15 say that some lakes will be lakes that we want to make
16 sure that we access; is that right, Ms. Dube-Veilleux?

17 MS. DUBE-VEILLEUX? A. Yes.

18 Q. Now, when you go to a timber
19 management planning exercise and people sit down and
20 they have got all of these fisheries management plans
21 with those objectives, are you saying that in the
22 timber management planning process that you should be
23 having debates and making decisions which would
24 override the objectives in the fisheries management
25 plan?

1 For instance, can you sit down and say:

2 Now, in the timber management planning process we want
3 to access that lake and that lake?

4 My suggestion to you is, and this is
5 where my concern comes from, is that's already been
6 decided in another process. That's a given. You might
7 want to talk in the timber management planning process
8 whether the road for timber management purposes could
9 sort of veer over to give the access and perhaps assist
10 in achieving that objective which in itself was set
11 elsewhere. Do you agree with that?

12 A. Yes, I do.

13 Q. Do you agree that it is a different
14 thing to say, I'm going to put the road over here to
15 meet the objective set out in another planning process
16 on the one hand and say, I am in fact going to
17 determine which lakes are going to be accessed or
18 should be accessed in the future? Would you agree
19 those are two different sorts of decisions?

20 A. They are two different sorts of
21 decisions. I believe within the timber management
22 planning process you would recognize that in Table 4.10
23 in the plan itself where these other objectives exist
24 and, therefore, the relation of timber activity to
25 other activity is somewhat addressed there.

1 Q. All right. There are different
2 things in the example I am giving you with fisheries.
3 Would you agree, therefore, that the way to
4 characterize what a timber management plan should do
5 from your perspective is to ensure that the management
6 objectives for non-timber values - we are using fish as
7 the example - which exist in other plans or policies
8 and which could be affected by timber management
9 activities to be carried out in the plan will, in fact,
10 be addressed in the plan? Right?

11 A. Yes.

12 Q. It will be addressed to the extent
13 that you will indicate how timber management strategies
14 are intended to assist in meeting those non-timber
15 objectives which involve the manipulation of forest
16 cover; is that right?

17 A. Yes, in identifying the goal and
18 the -- okay, yes.

19 Q. But the goal, the objective has been
20 determined somewhere else. You are not going to
21 redebate the fisheries management plan objectives in
22 the timber management planning process, are you?

23 A. No, that wasn't the suggestion.

24 Q. And I would suggest to you the same
25 would hold true then for any other type of resource

1 management objective or policy?

2 A. Again -- I'm sorry, Mr. Freidin. Are
3 you suggesting that we redebate other decisions that
4 have been made or are we suggesting here or
5 recommending that the timber management planning
6 procedure and actual activity be in line with other
7 goals that have already been established?

8 Q. Which one do you want? Let's not
9 worry about what I am suggesting. Which one do you
10 want?

11 A. I'm suggesting that the timber
12 management plan be an integral part of the plan for the
13 whole area and respect at the same time that it has an
14 impact on all other non-timber values, that it be
15 planned so that other goals and objectives may also be
16 met.

17 Q. Other goals and objectives which are
18 set in other planning processes and which are existing
19 at the time you enter into the planning process for
20 timber?

21 A. Which are existing and which continue
22 to be updated and revised as time goes by, as we do
23 with the timber management plan.

24 Q. Right. In a process other than in
25 timber management planning? The objectives and the

1 policies are developed in processes other than in the
2 timber management planning process, they are
3 pre-existing?

4 A. But often taking advantage of
5 activities in timber management that are going on right
6 now because --

7 Q. Right, but can you just answer my
8 question. The objectives that you want to take into
9 account in the timber management plan are objectives
10 and policies, if they relate to other resources, they
11 are objectives and policies which are developed in a
12 planning process outside timber management planning?

13 MR. O'LEARY: If I may just --

14 MR. FREIDIN: I would like the answer to
15 the question without any interruption.

16 MR. O'LEARY: That's my point. I don't
17 mean to interrupt, Mr. Freidin, except I do believe it
18 is within the prerogative of a witness to answer the
19 question as he or she sees fit and the fact that it
20 does not come out as you would like to hear it does not
21 entitle you to say that their answer has to be given in
22 the way you would like.

23 I would respectfully suggest, Madam
24 Chair, that that is something that I draw to the
25 attention of the chair.

1 MR. FREIDIN: I understand that.

2 Q. You have said -- I want this clear
3 one way or the other on the record. I understand you
4 to say that objectives for other values are developed
5 in other planning processes, fisheries management
6 objectives as an example, correct? Is that correct?

7 MS. DUBE-VEILLEUX: A. That's correct.

8 Q. You have said that those objectives
9 should be recognized, taken into account and considered
10 when you are planning timber management activities in a
11 timber management plan; is that correct?

12 A. That's correct.

13 Q. To the extent that you can, in fact,
14 design your timber management activities to assist in
15 achieving those objectives you should do so?

16 A. That's correct.

17 Q. Now, do you agree that the place --
18 well, that those objective which you now have said have
19 been developed in other planning processes should
20 always remain -- be dealt with in those other plan
21 planning processes, they should be revised in those
22 other planning processes, they should not be debated
23 and revised in the timber management planning process?

24 A. To the extent that the changing of
25 the forest structure that happens through timber

1 management may affect the goals and objectives of the
2 fisheries plan, as you are suggesting in your example,
3 I would say that the planning for both becomes
4 integral.

5 You cannot separate the effects of the
6 changes of the forest structure that are brought about
7 by timber management planning from the other values
8 that exist within that forest and will be definitely
9 affected by the changes.

10 MR. FREIDIN: Okay. I think it is a good
11 time for a break, Madam Chair.

12 MADAM CHAIR: All right. The Board will
13 be back in 20 minutes.

14 ---Recess at 10:45 a.m.

15 ---On resuming at 11:10 a.m.

16 MADAM CHAIR: Please be seated.

17 Go ahead, Mr. Freidin.

18 MR. FREIDIN: Q. Ms. Dube-Veilleux,
19 during your evidence you talked about wanting some
20 recognition in a timber management plan of the
21 importance of various of the other values and I think
22 you highlighted remote tourism?

23 MS. DUBE-VEILLEUX: A. Yes.

24 Q. You made reference to the Red Lake
25 Timber Management Plan, the one which is for the period

1 1991 to 1996?

2 A. I did.

3 Q. You referred to, I believe, page 61?

4 A. Yes, that was the page, 60 and 61. I
5 am quite sure that was the page, 60 and 61.

6 Q. I want to provide you with a copy of
7 pages 60, 61 and 64 of the Red Lake plan and I want to
8 ask you some questions about that.

9 I would ask, Madam Chair that these be
10 marked as an exhibit.

11 MADAM CHAIR: Yes. This four-page
12 excerpt from the 1991 to '96 Red Lake Crown Management
13 Unit --

14 MR. FREIDIN: Three pages.

15 MADAM CHAIR: Three pages, will be
16 Exhibit 2037.

17 ---EXHIBIT NO. 2037: Three-page excerpt from the Red
18 Lake Timber Management Plan,
1991-1996.

19 MR. FREIDIN: Q. If you turn to page 61,
20 I have taken the liberty of underlying a certain
21 portion.

22 Would it be fair to say that the first
23 sentence that I underlined, which states:

24 "Forest access roads create access to
25 local fishing and hunting opportunities

1 while having regard for tourism and other
2 sensitive values" is the sentence that
3 you referred to in your evidence?

4 MS. DUBE-VEILLEUX: A. That's correct.

5 Q. And it is that sentence which you
6 indicated by itself did not represent a sufficient
7 acknowledgment in your view of the importance of the
8 non-timber value called remote tourism; is that right?

9 A. That's the sentence I referred to as
10 being -- yes.

11 Q. You didn't think that was a good
12 enough recognition of remote tourism, the importance of
13 it?

14 A. Not alone.

15 Q. Not alone. Well, if we read on so
16 that the sentence isn't alone, it says:

17 "This is in concert with..." We are
18 talking now about the implementation of road access
19 strategies,

20 "...which will facilitate recreational
21 opportunities for the local residents as
22 well as visitors to the Red Lake area."

23 Then after your sentence it says:

24 "This is in concert with resource
25 management plans such as the Red Lake

1 District Fisheries Management Plan which
2 states that roads developed in
3 conjunction with the timber management
4 planning process will be utilized to
5 provide new fishing opportunities..." and
6 they refer to the plan.

7 "An example would be the general access
8 proposed to the Walsh lake area, Balmer
9 Township."

10 If you turn to page 64 which talks about
11 economical strategies and it is entitled Maintenance of
12 Other Commercial Resource Businesses, you will see that
13 it indicates that:

14 "Resource businesses are identified
15 during preparation of the plan through
16 formal opportunities which are
17 identified..." and it goes on and it
18 says:

19 "Beyond these opportunities the Red Lake
20 District manager will enter into specific
21 negotiations with any other resource
22 businesses which are affected by the
23 timber management operations. At the
24 completion of each individual negotiation
25 a letter of agreement will be signed by

1 both parties."

2 If we go down to the second last
3 paragraph, it says:

4 "Businesses promoting remote high quality
5 fishing will be maintained through
6 mechanisms as outlined in Table 4.10.1
7 which involved limiting access potential
8 to the waterway."

9 Now that I have referred you to those
10 portions so that the one sentence that you referred to
11 does not stand alone, do you feel that that is the sort
12 of recognition of the importance of remote tourism and
13 businesses that you were hoping to see?

14 I know you didn't have a chance to read
15 the whole plan and I am not being critical of you for
16 that, but now that you have seen these additional words
17 does that description, that kind of description satisfy
18 you in terms of being an adequate recognition in words
19 of this value which is of importance to you?

20 A. Partially, yes.

21 Q. All right. Partially, yes. What
22 more would you like to see?

23 A. I would imagine that you are aware as
24 well that when this plan was written there were no
25 District Land Use Guidelines for the Red Lake District.

1 Q. Right.

2 A. Therefore, Table 4.10 could not be
3 completed.

4 Q. Right.

5 A. Ordinarily under District Land Use
6 Guidelines other potential -- areas for potential roads
7 in other fields are identified.

8 Q. Right.

9 A. If I may just continue that answer.
10 In the second last paragraph, it says:

11 "Businesses promoting high quality
12 fishing will be maintained."

13 There is no recognition here, and I don't
14 fault the plan for this because there are no
15 guidelines, but only that possibility to add to that
16 and make it more complete would be that there should
17 be a recognition of potential -- there is a potential
18 there for other uses as well.

19 Q. Let's just take this out of the
20 context of this specific plan. Let's assume that these
21 words appeared in a plan in one of the other 98 -- one
22 of other districts. We have heard that there are two
23 districts, maybe three that don't have land use
24 guidelines. Let's put this in the context of most
25 forest management units where there are District Land

1 Use Guidelines.

2 A. Right.

3 Q. Let's assume that you had wording
4 like this, would this wording be adequate to address
5 your concern?

6 A. I'm afraid -- again, I appreciate you
7 pointing these particular paragraphs out and I think
8 they are good paragraphs to be in there. However, what
9 I see here is, again, in the second last paragraph
10 "will be maintained through mechanisms which involve
11 limiting access potential to the waterway."

12 I believe that there would be more than
13 just limiting access that would be involved in
14 protecting the values in these high quality fishing
15 areas and there is no --

16 Q. Such as? Give me some examples of
17 the sorts of things that you would like to see here
18 which would satisfy your concern.

19 A. Such as methods of harvest or, you
20 know, a rationale for the choice of prescriptions that
21 are going to be used.

22 Q. I want to get these down. Rationale
23 for type of prescription for harvest. Right.

24 A. Right. One for maintenance and --
25 renewal and maintenance.

1 Q. Right.

2 A. Time of year of operations.

3 Q. Time of year, yes.

4 A. We do have to be site specific.

5 There are a whole lot of...

6 Q. Okay.

7 A. And recognizing that it will be on an
8 ongoing basis.

9 Q. Yes, okay. Now, you have said that
10 it would have to be site specific and I take it what
11 you are saying is, with the timber management plan
12 after -- through that process you would want to
13 identify all of the various remote -- let's stick with
14 remote tourism operations.

15 You would want -- if a concern arose
16 about the potential effect of an operation, whether it
17 is a road or harvesting or whatever on that operation,
18 you would want to have some dialogue and discussion
19 about how you go about making sure that you don't
20 adversely affect the particular operation; is that
21 right?

22 A. That's right.

23 Q. Then you would go through a process
24 where you would hopefully come up with a prescription
25 for timber management activities which would be agreed

1 to between the Ministry who approve the plan and the
2 individual operator; is that right?

3 A. That may or may not be the case.

4 Q. That would be best of all worlds if
5 you had a discussion which ended up in an agreement
6 between the Ministry who are ultimately responsible to
7 manage the resource and the specific timber -- pardon
8 me, remote tourism operator.

9 If they came to an agreement with the
10 following prescription, A, B, C, D, in relation to all
11 of these things and were acceptable that would be the
12 best result that you could hope for; isn't that right?

13 A. I am going to qualify my answer
14 first.

15 Q. Okay.

16 A. While I agree that this type of
17 agreement is being done and has been done in the past,
18 I believe that the experience again has been that
19 sometimes those agreements have not been adequate to
20 indeed protect the values.

21 I'm not suggesting that this happens in
22 all cases, but I believe what needs to be addressed is
23 that there are some broader -- and I hate to call it
24 guidelines, I detest the word -- that have to be
25 addressed as part of the protection of other values.

1 That's sort of a blanket statement.

2 I explain that by saying that sometimes
3 there have been agreements made between the MNR and the
4 tourist operator with expectations that things would
5 turn out all right and they didn't. So somehow it has
6 has to be a little bit broader than what any one
7 individual can feel is going to adequately protect
8 them.

9 Q. What are you talking about? I don't
10 understand what you are saying when you say that there
11 should be broader guidelines or something along those
12 lines that have to be addressed regarding protection of
13 other values.

14 Can you just expand on that because I am
15 not too sure I understand what you mean by that?

16 A. It has happened time and time again
17 that agreements have been reached, that certain
18 prescriptions were going be to be acceptable to protect
19 the values around a certain lake.

20 Q. Yes.

21 A. If you leave it up to an individual
22 operator to make that -- an individual tourist operator
23 to make that decision on whether it is going to be the
24 best for the lake, he may not have all the necessary
25 knowledge.

1 In dealing with a forester, I think by
2 very nature a forester looks at the forest and sees it
3 a lot differently than what that tourist operator does
4 and when the forester or the people who are supposed to
5 be in charge say: This won't affect you or this will
6 be minimal impact, the operator will tend to believe
7 it.

8 That's why I'm saying somehow it has to
9 be a little bit broader so that it is not left to one
10 individual to ultimately make the decision.

11 Q. Now, who is the one individual you
12 are concerned about making this ultimate decision? The
13 forester?

14 A. No, the operator himself in
15 conjunction with -- I'm not saying that there is any
16 bad intent here.

17 Q. I know. But you are saying they
18 might make a mistake. Are you talking about --

19 A. Based on lack of knowledge.

20 Q. A mistake in terms of what, what's
21 best for the operator or what's best for the lake on
22 which the operator is located?

23 A. Obviously, sir, I mean the
24 opportunity for remote tourism in this particular area.

25 Q. Okay.

1 A. And the resources in that particular
2 area that will allow that tourism opportunity to
3 continue on a sustainable basis.

4 Q. But if we are dealing with the
5 specific activities that are going to affect this
6 operator, are you talking about a concern about the
7 prescription which is set for that specific operator?

8 Is that the thing or are you saying there
9 should be a prescription which addresses tourism
10 generally throughout the whole region? What are we
11 talking about here?

12 First of all, do you understand the
13 distinction I am making?

14 A. I understand perfectly.

15 Q. All right. Which one are you talking
16 about that's giving rise to your concern?

17 A. Okay. The concern here is a broad
18 one in protecting or allowing a remote tourism
19 opportunity which involves all the resources that are
20 going to keep that opportunity sustainable over a long
21 term. That's the concern here. This is the value
22 that's of importance to that unit and to the
23 communities involved and the all of rest of it. That's
24 the value.

25 Now, in my -- as an operator who is not a

1 forester, not a biologist, and has no expert knowledge
2 about these things, I may very well sit down and sign
3 an agreement with the MNR that I can live with certain
4 things, but I'm not qualified personally. That's why I
5 am saying you need something broader.

6 Q. Who is qualified? If you are talking
7 about an operation that is on a lake, a tourism
8 operation, and the operator says: I am concerned about
9 the activities and the forester sits down and in a
10 straightforward, honest, forthright manner explains all
11 the sort of prescriptions that could be developed to
12 address concerns about the timing of the operation,
13 noise from the operation, access to the lake - and I
14 have to assume for the purposes of my question that all
15 this information is honestly given by the forester -
16 who better, who more qualified than the operator to say
17 whether that is going to be okay or not?

18 A. Well, definitely, he has to be part
19 of this exercise.

20 Q. All right. Now, they might make a
21 mistake. They may say that the noise -- let's say, if
22 we put the buffer this far there will be no noise from
23 the operations. They may make a mistake; maybe they
24 should have put it another hundred metres away.
25 Mistakes get made.

1 I am talking about a process. We are
2 here partly to figure out how can you have a fair
3 process which is going to adequately address the
4 concerns of remote tourism when you are planning timber
5 management activities, and I am suggesting to you what
6 I have just described to you, getting together and
7 coming up with a prescription like this with the
8 operator and signing an agreement which might
9 eventually turn out to be just that they make a
10 mistake, but that process has got to be workable and is
11 a reasonable one. So from a process point of view
12 could you comment?

13 A. I would say, yes, that process within
14 a larger picture.

15 Q. All right. The process -- all right.
16 That process will work, then, for the protection of the
17 specific operator?

18 A. Of the tourism opportunity there.
19 That operator may die tomorrow. I'm talking about the
20 tourism opportunity in that whole area.

21 Q. All right. Now, if he dies tomorrow
22 and the estate sells his lodge to somebody else and we
23 assume that the person is going to carry on the same
24 operation, if he has made a good prescription before he
25 died it is going to be good for the person who buys it

1 from his estate, won't it?

2 A. If the prescriptions are good, yes.

3 Q. Sure. If the prescriptions are good.

4 A. And based on best knowledge and based
5 on a general acceptance that this will be for the best.

6 Q. All right.

7 A. By the lumber company as well. I
8 would also like to say --

9 Q. But the process that I described to
10 you was one which, I suggest to you, is the best you
11 can do to to try and make sure you don't adversely
12 affect that particular operator and I think you have
13 agreed with that.

14 MADAM CHAIR: Excuse me, Ms.

15 Dube-Veilleux. Just one question to follow-up on that.

16 If I can understand, you are concerned
17 about the ability of an individual to decide what may
18 be best for something beyond just his operation and
19 just his immediate concern.

20 Do you take any comfort from the process
21 of a very strong local citizens' committee that
22 whatever there is remote tourism opportunities there is
23 some representative on a committee and, therefore, the
24 individual tourist operator would be consulting
25 presumably with someone other than just the forester,

1 or do you see the individual operators always working
2 in isolation as perhaps they have done in the past?

3 If they had a representative on the local
4 citizens' committee, wouldn't they go and say: Is this
5 a good deal, do you know of anything else I should be
6 asking for.

7 It seems to me under the proposed system
8 they might not be as isolated as they were in the past.

9 MS. DUBE-VEILLEUX: I certainly feel that
10 would be an advantage for each individual operator to
11 feel that he could approach a committee, and I would
12 certainly expect in any area where tourism
13 opportunities exist that there will be someone who
14 could speak to the industry represented on the
15 committee, yes, but he may feel very inadequate in
16 signing an agreement.

17 He is signing an agreement for an
18 opportunity here that will hopefully be there for a
19 long time and if he makes a mistake here it's a mistake
20 that lasts for a long time, too, and may effect that
21 opportunity, and I certainly agree with what you are
22 saying and I am not saying that that's bad.

23 MR. FREIDIN: Q. What do agree with and
24 what's not bad, the process which I have described?

25 MS. DUBE-VEILLEUX: A. This process is

1 good, but I am also saying that in order -- see, you
2 are putting the onus now on one particular person and
3 the onus should be on the industry opportunity not on
4 an individual who may feel very inadequate.

5 Q. Let me follow that up and it comes
6 from a question the chair asked. You have got a local
7 citizens' committee who, as I understand the agreed to
8 terms and conditions, involves a representative of the
9 tourism industry, okay? There is a tourism industry
10 representative on the local citizens' committee.

11 Now, let's assume for the moment that the
12 individual operator is sort of dealing in isolation,
13 let's assume with the Ministry of Natural Resources on
14 a Crown plan, the local citizens' committee and
15 particularly the remote tourism rep who is involved
16 right from the beginning will be privy to those
17 discussions and what is being contemplated. Would you
18 agree with that?

19 A. Yes, to the extent that he has the
20 ability to do that.

21 Q. Yes. Well, if the process works the
22 way it is supposed to there is supposed to be an
23 exchange of information between the planning team
24 through regular meetings with all the local citizens'
25 committee of what's going on. Is that the way you

1 understand the process is to work?

2 A. Yes.

3 Q. Would you agree that the tourism
4 representative on the local citizens' committee might
5 be involved in tourism concerns beyond the protection
6 of that one individual operator?

7 A. Yes.

8 Q. Would you agree that if he became
9 aware of what was being discussed between the
10 individual operator and the forester and he thought it
11 would have some concern about, No. 1, it might not
12 adequately protect the operator or, No. 2, thought that
13 somehow it would have an adverse effect on protecting
14 remote tourism on the lake altogether, if that
15 representative thought that that prescription which was
16 being discussed might affect tourism generally on the
17 lake, that representative could talk to the plan author
18 or anybody in the Ministry or to the individual
19 operator and say: Look, I think you are making a
20 mistake here, I think maybe you should decide on this
21 prescription. Isn't that the way it should work?

22 A. Depending on the expertise of that
23 person, yes.

24 Q. Depending now on the expertise of
25 who, the representative on the local local citizens'

1 committee?

2 A. Let me explain because I sit on many
3 of these committees myself as a tourism representative
4 and I feel that I have a pretty fair background, but I
5 would be very, very hesitant to go into a lake area or
6 a specific area that I'm not necessarily familiar with,
7 even though I'm familiar with a bunch of other things
8 and try to come up with prescriptions.

9 All I'm saying is that somehow there has
10 to be something in there -- there has to be a mechanism
11 that a little bit bigger than the onus on that operator
12 and even on his representative.

13 Q. This is a local citizens' committee,
14 Ms. Dube-Veilleux. It is a local citizens' committee
15 and the tourism industry are going to have somebody on
16 there from the local tourist area. He can go to the
17 planning meetings, he can talk to these people. I
18 mean, now you are worried about putting the onus on
19 that person.

20 I mean, if you are not willing to put the
21 onus on anybody, you have got to trust somebody. Maybe
22 you better trust MNR and leave it to them. I'm not
23 suggesting that, but you have got to trust somebody.
24 Who is going to make the decision?

25 A. I believe that this can happen. I'm

1 not saying it can't happen. That's why I keep coming
2 back to -- you know, we talk about protection of moose
3 habitat and making it effective. It has to be
4 effective for a long-term.

5 Q. No one disputes that.

6 A. It is the same thing with these
7 tourism opportunities, they have to be -- where timber
8 management affects the tourism opportunity, it has to
9 be effective for the long-term.

10 MR. MARTEL: Who makes that decision?

11 MS. DUBE-VEILLEUX: I guess together with
12 the best of our knowledge and pooling it we should
13 eventually come to that.

14 MR. MARTEL: Isn't that what is going to
15 happen, that together, the tourist operator in
16 conjunction with the biologist from MNR, the forester,
17 the other participants in the planning plan, the
18 citizens' committee are going to -- I am trying to
19 figure out who it is you want or what it is you
20 specifically require beyond all of this, and I'm not
21 sure what you are hanging your hat on except you are
22 concerned about knowledge.

23 Well, the required knowledge surely is
24 going to be amongst all of the participants and if you
25 have an open and non-confrontational committee working

1 together, surely all of the required material that's
2 required to make a decision will be put on the table.

3 I mean, I don't know who else you want to
4 make those decisions except on one hand you want local
5 people from the north, and as a northerner I understand
6 that, but when you have got that opportunity and there
7 is still somebody missing, who is missing or what's
8 missing?

9 MS. DUBE-VEILLEUX: I don't think there's
10 anything missing.

11 MR. MARTEL: Well, there is something
12 bothering you and I'm not sure what it is. What more
13 could we put there?

14 MS. DUBE-VEILLEUX: I guess we keep
15 coming from our backgrounds, don't we?

16 MR. MARTEL: Yes.

17 MS. DUBE-VEILLEUX: But the idea of
18 operators and MNR signing agreements has been tried and
19 is still being tried.

20 MR. MARTEL: But is your concern the
21 past, what happened in the past as opposed to what
22 could happen in the future?

23 Going back to the very thing you started
24 with yesterday was trust and I later asked you today
25 that -- well, that trust has got to be built up. It

1 seems to me that the real concern you have is somebody
2 is going to put something over on an operator yet.

3 MS. DUBE-VEILLEUX: That's why I say --

4 MR. MARTEL: If that's the concern, that
5 we are still going to have some individual within the
6 planning process trying to put something over on an
7 operator, outsmart him, make the buffer a little
8 smaller than he would really want, I think only time
9 and experience and the involvement of everyone else
10 with all the information upfront is going to get rid of
11 that.

12 That seems to me what I think you are
13 hedging, if I can use the word, hedging your bets on
14 from endorsing it because based on past experience
15 there were maybe some situations where the operator
16 felt he got taken to the cleaners. I am not saying he
17 did, I said felt. Is that a carry-over into the
18 concern you now have?

19 MS. DUBE-VEILLEUX: That's part of it.
20 The other part is that the operator himself may not
21 have been knowledgeable enough to be qualified to sign
22 an agreement that now everybody says: well, now you
23 are going to have to live with it.

24 MR. MARTEL: He did that in isolation,
25 though, in the past, didn't he?

1 Frequently it was a one-on-one
2 discussion, maybe he felt that the pressures were too
3 great to resist, but surely under this planning process
4 that too disappears because they are not alone.

5 Don't forget, it is a great feel when
6 there is more than you on a committee that you are not
7 alone where you would have been on a one-on-one
8 situation.

9 MS. DUBE-VEILLEUX: Yes, and that
10 basically is a great concern.

11 MR. FREIDIN: Q. You said you had a
12 concern of whether -- I won't belabor this too much
13 longer. You said that you had thought that the
14 operator -- you had a concern that the operator would
15 not be knowledgeable enough to sign the agreement.

16 What sort of knowledge do you think the
17 operator might be lacking which would, in fact, make it
18 perhaps inadvisable that he sign the agreement?

19 MS. DUBE-VEILLEUX: A. I think I
20 referred to that when I said that he doesn't have
21 knowledgeon forestry, no specific knowledge that would
22 make him capable of making decisions on prescriptions
23 that -- he's not a forester and he's not a biologist.

24 Q. Give me an example. Give me example.
25 You are talking in general terms. Give me a real life

1 example, hypothetical, if you will, of an operator not
2 having knowledge on something and an improper
3 prescription being set as a result?

4 A. May I show you a picture?

5 Q. Explain it to me any way you wish.

6 A. I may need a moment.

7 Q. That's fine.

8 A. All right. I have three pictures all
9 taken on one particular lake, okay.

10 Q. Okay.

11 A. What these pictures show is the
12 result of an agreement involving an operator--

13 Q. Right.

14 A. --on the lake who is actually a very
15 knowledgeable operator. He has been in the business a
16 a long time who, fortunately, runs several outposts
17 because this one certainly wouldn't be keeping him
18 alive anymore.

19 This is what a 120 metre buffer looks
20 like. I really am sorry that the road system doesn't
21 show up as well as it should, but this in effect is a
22 negotiated agreement with the full participation of the
23 operator that has resulted in a loss of business on
24 this lake.

25 Q. So the prescription which was set was

1 not adequate to in fact protect the value?

2 A. That's correct.

3 Q. Would you agree or do you have any
4 information -- let me put it this way. Do you believe
5 that the operator and the person with whom the operator
6 negotiated the prescription were both acting in good
7 faith?

8 A. Yes, I do believe that.

9 Q. In a nutshell what was it about the
10 prescription which caused the unacceptable impact on
11 the outpost camp?

12 A. There were several things. Again, in
13 this particular case the operator has several
14 opportunities out there, several outpost camps and a
15 lodge as well. So he was able to do this and his good
16 faith he agreed not to operate that camp for three
17 years. He knew he wouldn't be able to operate it with
18 all the activities and roads going around and the
19 prescriptions as they were. So he did that willingly,
20 knowingly, all right, knowing that he could probably
21 balance off someplace. He had that luxury.

22 The idea on this lake, the skyline
23 reserve was to be preserved, there was 120 metre
24 buffer. The road activity was to be limited -- I'm not
25 sure that I'm going to remember all the different

1 things that this operator negotiated with, but anyhow
2 he expected that after three years he could go in
3 because he would explain to the guests that they would
4 see logging and that it wasn't going to look really
5 pretty, but that the lake was protected and that the
6 fishing would not have been affected in any way by this
7 activity.

8 Q. All right. What went wrong here?
9 Was it that the prescription which was set was not in
10 fact followed or was it that the prescription was set,
11 it was followed and it just didn't provide the kind of
12 protection that the prescription was intended to
13 provide?

14 A. Part of both and a third, in that the
15 prescription wasn't good enough to protect the values.

16 Q. That outpost camp?

17 A. The outpost camp.

18 Q. Now, let's go right back to the
19 process. A mistake was made. There may have even been
20 a violation of the prescription by the operator, all
21 right.

22 If we are talking about a process and you
23 want to develop prescriptions which have the best
24 chance of being good, how do you do it other than the
25 what way that I have described it to you now with the

1 involvement of a local citizens' committee and a
2 representative of the tourism industry as sort of
3 added protection, if I can put it that way? What more
4 do you need?

5 A. I'm going to have to come back to
6 what I originally said. I'm sorry, you are asking me
7 what more I need or what more the industry needs and I
8 think what we need are in the general area of tourism
9 opportunities we need to have -- start with a more
10 realistic base. 120 metres doesn't work.

11 We have to start with something a little
12 broader and then we can come into it and negotiate
13 different ways of achieving it and all the rest of it,
14 but there is still something wrong out there.

15 This is, as I said, a very knowledge
16 operator. He works very closely with the MNR and with
17 the local lumber company and with the local citizens.
18 Every attempt was made, but they weren't starting from
19 a good enough base to recognize fully the non-timber
20 value that was in question.

21 Q. The base --

22 MR. MARTEL: I think I asked you
23 yesterday, I said after your four years of hearing I
24 still wasn't sure what it was particularly a remote
25 tourism operator needed in terms of buffer size.

1 I listed all of the things you gave me,
2 but unfortunately I didn't think I was any better off
3 because the issue I dealt with specifically was, what
4 do you need.

5 I asked if the 120 buffer was big enough,
6 and that's why my colleague and I have asked for
7 information regarding remote tourism opportunities
8 because outside of increasing the size of the buffer to
9 ensure that the aesthetics remain in place and so on
10 and putting access to the lake, how far is it -- what I
11 was seeking, how far from the lake must you be in order
12 to protect that quality?

13 Now you are coming back to it. I am
14 honestly trying to get from the industry's perspective
15 what it is they need to protect that remoteness because
16 it is totally different from the other tourist operator
17 who wants the access to his lake, it brings in his
18 client right to the lake.

19 I didn't get much more than I had heard
20 previously which still has left me somewhat cold.

21 MS. DUBE-VEILLEUX: This is a very remote
22 area.

23 MR. FREIDIN: I think just before the
24 break, if I could --

25 MADAM CHAIR: Mr. Freidin, shall we make

1 these photos an exhibit?

2 MR. FREIDIN: Sure.

3 MADAM CHAIR: We have looked at them, we
4 have got them.

5 MR. FREIDIN: I don't need to look at
6 them.

7 Q. Perhaps you can describe them for us,
8 Ms. Dube-Veilleux. They are photographs taken by you?

9 MS. DUBE-VEILLEUX: A. Yes, they were.

10 Q. They are photographs depicting --
11 perhaps you can identify the lake and the year these
12 pictures were taken?

13 A. The lake is Buffalo Island Lake and
14 it was taken last summer, summer of '91.

15 Q. The name of the company or the
16 outfitter whose outpost camp is depicted in the
17 photographs?

18 A. It is Horn Air Service in Hornepeaune.

19 Q. Thank you.

20 A. It's just east of Obakamiga.

21 Q. Can you tell me which forest
22 management unit that is?

23 MS. DUBE-VEILLEUX: Would you like me to
24 write it down?

25 MADAM CHAIR: If you could just spell

1 that for our court reporter, please.

2 MS. DUBE-VEILLEUX: O-b-a-k-a-m-i-g-a.

3 MADAM CHAIR: These are three aerial
4 photographs and in one photograph it shows an access
5 road close enough to the lakeshore and I think we see
6 vehicles, those white dots.

7 MS. DUBE-VEILLEUX: Probably.

8 MADAM CHAIR: They look like cars and
9 things that have come onto the lakeshore.

10 MS. DUBE-VEILLEUX: You may be looking at
11 the cabin. The things is that this road went -- it
12 didn't go where it was supposed to. It went right by
13 the outpost cabin itself. The road is also on three
14 sides of that lake, but you are on the lake. When the
15 CO goes in the people in the cabin know because they
16 hear the truck doors slam.

17 MR. FREIDIN: Which could be good or bad
18 depending on who you are talking to.

19 Q. Just to finish off this item. You
20 said that there are agreements. There was an
21 agreement -- or agreements are referred to in the
22 excerpt from the Red Lake plan that has been marked as
23 Exhibit 2037.

24 I want to show you a letter of September
25 the 8th, 1990, addressed to Mr. Bev Cheney, a remote

1 tourism operator in Red Lake District signed by him and
2 by Mr. Taylor. Could you just take a moment to review
3 it and just tell me whether that is the sort of
4 agreement that you say that you understand are being
5 signed from time to time.

6 MADAM CHAIR: For the court reporter, the
7 three photographs are Exhibit 2038.

8 ---EXHIBIT NO. 2038: Three photographs depicting
9 Buffalo Island, just east of
Obakamiga.

10 MADAM CHAIR: Do you want an exhibit
11 number for this letter, Mr. Freidin?

12 MR. FREIDIN: Yes, please.

13 MADAM CHAIR: This will be Exhibit 2039.
14 A two-page letter dated September 8th, 1990, from the
15 district manager of Red Lake to Mr. Bev Cheney. That's
16 spelled C-h-e-n-e-y.

17 ---EXHIBIT NO. 2039: Two-page letter dated September
18 8th, 1990, from the district
19 manager of Red Lake to Mr. Bev
Cheney.

20 MR. O'LEARY: I was just wondering, Madam
21 Chair, since the witness has not seen this letter
22 before whether or not it might not be appropriate to
23 allow her to review it over the break and perhaps
24 respond to questions after the break.

25 MR. FREIDIN: I think that's a good

1 suggestion. If I might then ask her -- I don't want to
2 ruin your lunch hour, Ms. Dube-Veilleux, but I have
3 another few pages from the Red Lake plan that I was
4 going to give you to you before the lunch break and
5 perhaps I could do that now and ask that it marked as
6 an exhibit.

7 I want to give you copies of pages 92 to
8 100 of the Red Lake plan for the 1991-1996 term. It's
9 Section 7.1 and it is entitled the Environmental
10 Planning Considerations for Fishery and Wildlife Areas.

11 I understand that will be Exhibit 2040,
12 Madam Chair?

13 MADAM CHAIR: This will be Exhibit 2040.

14 ---EXHIBIT NO. 2040: Pages 92 to 100 of the Red Lake
15 plan for the 1991-1996 term,
16 Section 7.1 entitled
17 Environmental Planning
Considerations for Fishery and
Wildlife Areas.

18 MR. FREIDIN: Let me see if I can deal
19 with something in the remaining four minutes I have.

20 MR. O'LEARY: Just before you do, Mr.
21 Freidin. Madam Chair in looking at Exhibit 2040 we are
22 talking about 10 pages or so.

23 Is there any manner in which Mr. Freidin
24 could identify that portion which he intends to examine
25 any of the witnesses on just so that the lunch hour

1 isn't all taken up all reviewing.

2 MR. FREIDIN: All right. I don't think
3 you need to read the whole thing. Just scan it to get
4 a sense of what it is about. The only section I am
5 even going to perhaps ask any sort of detail about, and
6 it won't be technical, is the section on moose
7 management starting on page 95 and the page following I
8 guess.

9 I think you should perhaps just read the
10 introduction and take a glance at the other sorts of
11 discussions just to get a sense of the kind of
12 information that it is attempting to provide to the
13 reader.

14 Q. The last item that I would like to
15 deal with before the break, let's see if I can do it
16 quickly, is the discussion we had about disbursements
17 for members of the local citizens' committee and Mr.
18 Alexander's evidence I think and yours as well
19 supporting the concept of a per diem.

20 Now, if you include a representative of
21 the general public on the local citizens' committee
22 which is contemplated by Appendix 1, paragraph 1, we
23 have 11 members.

24 What sort of per diem, first of all, in
25 terms of quantity, dollars, amount, are you suggesting

1 would be reasonable, or have you given any thought to
2 that at all?

3 MS. DUBE-VEILLEUX: A. Well, just based
4 on my own experience, I think if it is a two-hour
5 meeting we would have different consideration than an
6 all day seminar or a two-day retreat or whatever it
7 happens to be.

8 Q. Just give me a ballpark. What do you
9 get for a full day?

10 MR. O'LEARY: Just a point of
11 clarification, if I may. I believe Mr. Freidin
12 indicated that the committee will include, and as I
13 read it, it says:

14 "The main interests represented on the
15 committee should include..." but that as
16 I state from perhaps a legal perspective does not
17 confirm that there will be that number there.

18 I just wonder if Mr. Freidin might be so
19 kind as to clarify whether that is his interpretation
20 of it or if it is only that one aspect of that
21 committee or several aspects are dealt with there might
22 only be one or two people in fact.

23 MR. FREIDIN: All right.

24 Q. But let's assume for the purpose of
25 my question that you have a separate person to

1 represent every interest that's identified there.

2 That really doesn't go to my question.

3 My question is, regardless of the number of people
4 what's the kind of daily per diem you are talking
5 about? Mr. Alexander, you can jump in.

6 MR. ALEXANDER: A. I think the only
7 thing I -- it is tough to say what one person may
8 consider sufficient and what another person might
9 think. I think you have to look back to, is it
10 evenings meetings, it is weekly meetings.

11 Q. Let me be more --

12 MADAM CHAIR: Mr. Freidin, you are trying
13 to estimate this. We know in the Ontario government
14 you is set your own per deim. We know that it ranges
15 from \$150 to --

16 MR. FREIDIN: Let's forget the specific
17 dollars. I am going to suggest to you--

18 MR. MARTEL: As long as it's not a
19 lawyer's fee.

20 MR. FREIDIN: --that there is nothing in
21 these -- all right. You have got a hundred management
22 units, let's assume you have a local citizens'
23 committee for every one, you can have up to 11 people,
24 maybe half of that on every management unit, I don't
25 know how many meetings the local citizens' committee

1 are going to have, they are going to attend at least
2 four information or two information centres.

3 MADAM CHAIR: The Board is curious about
4 that.

5 MR. FREIDIN: Q. How much money or have
6 you given any thought as to how much it is going to
7 cost the Province of Ontario to pay all these people a
8 per diem?

9 I'm not suggesting for the moment that
10 they are not entitled to about it, but if there is only
11 so much money to go around, have you given any thought
12 as to how much it might cost?

13 MR. ALEXANDER: A. I haven't given it
14 any thought because I don't feel that's my
15 responsibility, to decide how much money the provincial
16 government should spend.

17 I think it is my responsibility to try
18 and encourage them to spend the dollars on the things
19 that I feel are very important and it's up to them to
20 find those dollars.

21 I didn't ask anybody how many dollars we
22 were going to spend on the EA process when this started
23 either and I'm not sure anybody else did, but I don't
24 know. I think the point you're trying to make is this
25 could get to be a very expensive exercise, but it's a

1 very important exercise and I can't put a dollar figure
2 on it.

3 Q. Right. I accept what you're saying,
4 but you would agree that when you have got only so much
5 money to go around one has to start setting priorities
6 in determining where it is going to be spent. Do you
7 agree with that?

8 A. I agree with that.

9 Q. Do you agree --

10 A. --cabinet makes that decision.

11 Q. Would you agree that in order to make
12 those kinds of decisions as to where you are going to
13 spend your money you have to have some idea of how much
14 it is going to cost for the various proposals which are
15 being put forward?

16 I'm not criticizing you for not making
17 the calculation, but as a general concept do you agree
18 that there should be that quantification?

19 A. You must have some kind of an idea as
20 to the cost, yes.

21 Q. You haven't done that and I take it
22 you have not done that either, Ms. Dube-Veilleux?

23 MS. DUBE-VEILLEUX: A. No.

24 Q. Are we going to see any sort of
25 estimate with a rationale for the estimate as to what

1 it is going to cost to provide a per diem to a local
2 citizens' committee?

3 Are we going to see that from OFAH or are
4 we going to be left in the dark just to guess at what
5 it is going to cost, Mr. Hanna, or Mr. O'Leary?

6 MR. O'LEARY: I didn't realize that we
7 were witnesses at this hearing at this point.

8 MR. FREIDIN: Well, if these witnesses
9 can't, is there going to be any evidence about that
10 matter?

11 MR. O'LEARY: If I can respond, I guess
12 it would depend upon the willingness and cooperation of
13 the MNR.

14 MR. FREIDIN: To make the money
15 available?

16 MR. O'LEARY: No.

17 MR. FREIDIN: To make the calculation for
18 you?

19 MR. O'LEARY: To cooperate.

20 MR. FREIDIN: To make the calculation for
21 you?

22 MR. O'LEARY: No. Cooperate in the
23 process and that will certainly have a degree of impact
24 on the cost, as you know.

25 MR. FREIDIN: Well, if OFAH will provide

1 me with a calculation which has got some numbers to it
2 and indicates how it came up with it, I can tell you
3 for sure that we will give you our comments on it.

4 You are the people that are putting
5 forward the proposal and in my submission if the
6 Board -- I put it to you, Madam Chair, if the Board is
7 to make any sort of decision on this dollars have got
8 to come into play somewhere and I would think that that
9 sort of information should be made available.

10 MR. O'LEARY: Madam Chair, we are
11 prepared to try and put forth some estimate, but again,
12 my concern, as you may have realized out of the nature
13 of my past comments, it's a difficult one to forecast
14 that. It depends upon a number of intangibles
15 including, as I say, the cooperation of MNR, but we
16 will try and come up with some estimate and give you
17 the basis for that estimate.

18 MADAM CHAIR: Thank you, Mr. O'Leary.

19 Everyone at this hearing can come up with
20 an estimate of what that would cost. I don't think
21 that's a terribly -- you can estimate so many days per
22 year and how many members -- what would likely be the
23 average number of times whatever per diem schedule
24 would be set.

25 I don't think that's at issue, Mr.

1 Freidin. I think rather the MNR's position would be
2 that they are deeply appreciative of all the work that
3 people have given with respect to volunteering to
4 undertake various committee work in the past and they
5 would hope they could rely on the enormous generosity
6 of people in the future in contributing to that work
7 and if it were affordable and people could be paid for
8 those endeavors that's ideally what would take place.

9 I can't see that your client would have
10 any other position on that, and certainly we can go
11 through the exercise of assigning dollars to how much
12 it would cost and I'm sure we can all come up with a
13 different amount.

14 MR. FREIDIN: I don't understand. Are
15 you saying that you don't expect OFAH -- you are not
16 interested in any sort of estimate?

17 MADAM CHAIR: Yes, I am interested in
18 their estimate of what they think the average number of
19 days -- Ms. Dube-Veilleux is obviously an expert in
20 knowing approximately whether it is 10 days a year that
21 she would give as a member of a local citizens'
22 committee or whether it is 20 days a year. I think the
23 Board would be grateful for that kind of information.

24 MR. MARTEL: See, I raised that question
25 yesterday because I was concerned about people being in

1 a position to miss a day's work.

2 You will recall I asked yesterday about
3 whether these meetings are held on weekendd or during
4 the week because realistically in the real world if
5 somebody gives up a day's work where they are earning
6 \$250, how many people are going to be in a position
7 across the province to serve on citizens' committees
8 unless everything were done on the weekend where people
9 were prepared to give that time and that has got to be
10 a consideration because who can afford to give up their
11 income to work on a citizens' committee 10, 12, 13 days
12 a year even during the middle of the week?

13 MR. FREIDIN: Q. I don't know the amount
14 of time that you are contemplating being involved, but,
15 Ms. Dube-Veilleux, Mr. Alexander, if the local
16 citizens' committee could set its own procedures, I
17 suggest one of the things it could do is set its own
18 timing for its own meetings and if there are nights or
19 weekends, if that is necessary to avoid being off work,
20 would you agree that you could do that?

21 MS. DUBE-VEILLEUX: A. Yes.

22 DR. NEUMAN: Can you tell me, how much
23 does MNR contemplate spending to implement their terms
24 and conditions?

25 MR. FREIDIN: \$26-million, and that is

1 without amendments to either MNR's or the other
2 parties' terms and conditions.

3 ---Discussion off the record

4 MADAM CHAIR: Mr. Freidin, is this a good
5 time to take the lunch break?

6 MR. FREIDIN: Yes.

7 MADAM CHAIR: Will you be finished your
8 cross-examination today?

9 MR. FREIDIN: No, at this rate I don't
10 think so. I may have to go into tomorrow.

11 MADAM CHAIR: What do you have left of
12 your cross-examination?

13 MR. FREIDIN: The topics?

14 MADAM CHAIR: Yes.

15 MR. FREIDIN: I want to discuss planning
16 horizons, I want to talk about bump-up a little bit. I
17 have questions for Dr. Neuman that I haven't even
18 touched on.

19 MR. MARTEL: You will recall that Dr.
20 Neuman requested to get away early. Is it not possible
21 to do him first?

22 MR. FREIDIN: Absolutely.

23 DR. NEUMAN: I would appreciate it.

24 MR. FREIDIN: That's fine. I am quite
25 willing to that. I will do that. I will do Dr. Neuman

1 first and I will finish with him.

2 MADAM CHAIR: All right. We will start
3 after lunch with your cross-examination of Dr. Neuman.

4 We will listen to your questions as you
5 ask them and if we don't think they are particularly
6 relevant or we think you are duplicating any other
7 cross-examination, then we are going to push you
8 faster.

9 MR. FREIDIN: I always expect that you
10 will do that, Madam Chair.

11 MADAM CHAIR: The Board will be back at
12 1:30.

13 MR. FREIDIN: Thank you.

14 ---Luncheon recess at 12:10 p.m.

15 ---On resuming at 1:35 p.m.

16 MADAM CHAIR: Please be seated.

17 MR. FREIDIN: Madam Chair, perhaps I
18 should just advise you of the documents that you should
19 have from in front of you so that you can quickly
20 follow my cross-examination.

21 I am going to be referring to the
22 interrogatory responses of the Ministry of Natural
23 Resources, Exhibit 2023, which form part of 2023, I'm
24 going to be referring to Tab No. 5 as I have numbered
25 it of the witness statement for Panel 2 which is the

1 top line results for the public opinion survey.

2 MADAM CHAIR: What was that number, Mr.
3 Freidin?

4 MR. FREIDIN: It was Exhibit 2017, the
5 witness statement for this panel.

6 MADAM CHAIR: Yes.

7 MR. FREIDIN: And the questionnaire for
8 the public's opinion survey which is attachment No. 1
9 to our interrogatories.

10 MADAM CHAIR: All right.

11 MR. FREIDIN: Thank you.

12 Q. Dr. Neuman, in terms of the
13 interrogatories, could you turn to MNR interrogatory
14 No. 2?

15 DR. NEUMAN: A. Just a moment.

16 Q. You indicated in your evidence that
17 there were 548 respondents in Ontario and I take it
18 that you adopt the response to 2(d) when we asked:

19 "How many individuals were surveyed..."
20 and then,

21 "What was the geographic distribution."

22 You indicated that 548 individuals were
23 surveyed and you indicate in the last sentence that:

24 "There geographic distribution was
25 comparable to that of the overall

1 demographic population distribution in
2 Ontario."

3 A. Yes.

4 Q. In a nutshell can you explain what
5 that means?

6 A. What it means is that in a general
7 sense, although not exactly to the person, the
8 distribution of that sector of Ontario, that 548, is
9 roughly proportional to the distribution of the actual
10 population of Ontarians across the province
11 geographically.

12 Q. All right. Are you able to estimate
13 for us the percentage of the population which lives in
14 the area of the undertaking? What percentage of the
15 total population of Ontario live in the area of the
16 undertaking?

17 A. I actually don't have that figure, so
18 I can't give you that precise number at this time.

19 Q. All right. But whatever percentage
20 that was, let's say it is 20 per cent, it means that 20
21 per cent of the respondents would have lived in the
22 area of the undertaking, 80 per cent lived outside?

23 A. Approximately, give or take a few
24 percentage points.

25 Q. Sure. Turning to interrogatory 4(a),

1 do you adopt Mr. Heseltine's response that it was not
2 possible to determine the Ontario respondents
3 familiarity with timber management planning and
4 practices in Ontario either on a provincial or on a
5 regional basis?

6 A. That's correct, and I just might add
7 that it was not a specific objective of the survey to
8 do so.

9 Q. So you wouldn't know whether any of
10 the people had any particular familiarity with the
11 timber management planning process per se?

12 A. No, there would be no way to know
13 specifically.

14 Q. Okay. In your evidence you indicated
15 that people were asked what job they had or what their
16 employment was, and I noted that the -- we find that in
17 attachment No. 1, it is question No. 53 and it says:

18 "Do not read."

19 I assume that means that you asked the
20 question and let people volunteer what industry they
21 worked in?

22 A. That's correct and we categorized
23 their response into one of these categories.

24 Q. Right. Now, if someone said that
25 they were a truck driver, would you then ask them this

1 question: Well, in what specific industry, who do you
2 work for?

3 A. Probably in this case, no. It really
4 depends. The purpose of this question, because of the
5 nature of what we are using this information for, we
6 are generally interested in broad categories.

7 So I guess actually let me amend that. I
8 am getting that mixed up with the question in front of
9 of it, question 52. If they said truck driver, it
10 would probably be in response to a question 52 rather
11 than question 53.

12 Q. Okay.

13 A. Are you following?

14 Q. Okay.

15 A. If they said truck drivers that would
16 be 562; in other words, what is your occupation. 53
17 would be what industry you worked, and then if they
18 simply said truck driver to that we would then make
19 sure that we undersood what industry.

20 Q. In the document, it hasn't been
21 marked as an exhibit and I don't intend to mark it as
22 an exhibit, State of Forestry in Canada, 1990 Report to
23 Parliament, it was a report which was in fact published
24 partly as a result of the -- or included the result of
25 this survey?

1 A. Not that survey, no. It was the
2 survey of professional foresters that was highlighted
3 in that report, not on the public opinion survey.

4 Q. Can I show you page 46 of that
5 document and it describes Canada's forestry industry
6 and it lists logging, wood industries, paper and allied
7 industries and it lists a number of sorts of activities
8 that people could be involved in if they were involved
9 in Canada's forest industry. It could be paper board,
10 converted sash and door and kitchen cabinets.

11 Would the people who you identified as
12 being respondents who were employed in the forestry
13 sector people who could have been working in any of
14 those particular areas in the forest industry?

15 A. Some of them -- I don't know, is this
16 an exhibit? It may be useful to have it.

17 Some of these is clearly the case. For
18 instance, if you are looking at this list, anybody in
19 this list would be under, in terms of forestry
20 services, logging, primary wood products and wood
21 industries and manufacturing. That would in terms, I
22 guess, the manufacturing of wood or wood products.

23 If you are getting such areas as book and
24 writing -- I mean, if it is I guess the manufacturer of
25 those materials, if it's manufacturer of paper or

1 whatever, specific types of paper products, then yes,
2 we would classify them that way, but if it's farther
3 down the stream, certainly somebody employed in a
4 bookstore wouldn't be classified.

5 So there is a point at which it goes
6 beyond the forest industry.

7 Does that answer your question?

8 Q. Partly. If a respondent worked as a
9 truck driver and worked for a pulp and paper mill in
10 Thorold, Ontario you would have that person identified
11 as working in the forest industry?

12 A. The forest sector, that's correct.

13 Q. The forest sector. You mention in
14 your evidence a concept such as bias which can be
15 included in a question asked in a survey, you talked
16 about misinformation, the question might convey an
17 improper perception -- improper...

18 A. Meaning.

19 Q. ...meaning. Do you try and avoid
20 that when you prepare a survey?

21 A. Definitely.

22 Q. What are the problem you are trying
23 to avoid by making sure there is no bias or
24 misinformation?

25 A. Well, I guess there are two primary

1 things that one attends to. One has to do with
2 ensuring that the question is comprehensible; people
3 understand what it is you are talking about in terms of
4 the terminology you use.

5 Obviously, if he people do not understand
6 the question, then they are unlikely to give a
7 particularly reasonable response.

8 MADAM CHAIR: But your evidence
9 yesterday, Dr. Neuman, is that you pretest your
10 questionnaire?

11 DR. NEUMAN: Yes, I do pretest them.

12 The second point is --

13 MADAM CHAIR: How far do you want to go
14 with this, Mr. Freidin?

15 MR. FREIDIN: Q. When you pretest your
16 question, you assume they understand if they don't say
17 "what do you mean?"

18 DR. NEUMAN: A. Not necessarily. There
19 are other things that we look for in doing pretests.

20 Again, it's not something which I can
21 explain to you in the documentation, but people that we
22 use and other companies use professionally to do
23 interviews do enough interviews so they are able to
24 pick up certain kind of cues.

25 So if a question is asked, for instance,

1 if there is a long pause at the other end that's one
2 tip off. Even if the kind of response that comes back
3 to a question doesn't match the question, that's
4 another indication that perhaps they don't understand
5 or they have misinterpreted the question. Sometimes
6 they do say I don't understand.

7 So there are a lot of different cues that
8 we can use other than simply saying I don't understand
9 that gives us an indication.

10 Q. All right.

11 A. The other part of your question in
12 terms of the other thing that needs to be attended to
13 apart from comprehension is wording the question such
14 that there is no clear, obvious bias in terms of
15 leading to a particular response on the part of the
16 people that were interviewing.

17 In other words, you need to ensure that
18 there is certain amount of balance and that no
19 particular response is favoured over another, and there
20 are various techniques and ways of doing that.

21 Q. Okay. I will try to be brief. One
22 topic has been covered in part.

23 Will you turn to the questionnaire which
24 was attachment No. 1 to the interrogatories which is
25 the actual survey questions.

1 A. This is the public opinion survey?

2 Q. The public public opinion survey..

3 Those are the questions which were touched on primarily
4 by Mr. Martel about the definition of clearcutting.

5 A. Which question?

6 Q. 27.

7 A. Okay.

8 Q. Now, your results, your top line
9 results I believe also indicated that what wildlife and
10 regeneration were very important considerations in
11 choosing the method for logging?

12 A. I believe so.

13 Q. I think you will find that at page 8
14 of the top line results, paragraph No. 2. So this is
15 the actual -- in the witness statement, the top line
16 results, page 8.

17 A. Okay. I'm sorry, which two did you
18 mention. Wildlife and...?

19 Q. Wildlife and regeneration.

20 A. Yes, right. Those are the two most
21 important, although we didn't use the term regeneration
22 in that case.

23 Q. Right. I think you find that in the
24 second paragraph, four lines down:

25 "Most Canadians believe that how fast and

1 successfully the forests can grow back
2 (89 per cent) and the effects on wildlife
3 (85 per cent) are very important
4 considerations in choosing the best
5 logging method."

6 If you describe a clearcut as one where
7 all of the trees in a given area are cleared, would you
8 agree with me that it is likely that the picture which
9 is created in the respondent's mind is an area where,
10 in fact, all the trees are removed?

11 A. Yes, I would say so.

12 Q. And if those are the same people who
13 indicate or believe that the effects on wildlife is a
14 very important consideration in choosing the best
15 logging method, do you think those people might think
16 that if you remove all of the trees that the wildlife
17 that they think is so important would be adversely
18 affected?

19 A. Yes, I would think so and, further,
20 the results to question 9 in a sense confirm that.

21 Q. All right.

22 A. In the sense that many of the people
23 who said they disapprove of clearcutting, when we asked
24 them why without prompting responses, indicated impact
25 on wildlife was one of the reasons.

1 Q. Okay. Now, leaving aside the
2 difficulty you might have in actually conveying in a
3 short question the following, all right.

4 A. Yes.

5 Q. Let's assume that you could convey to
6 the respondent that using a silvicultural system of
7 clearcutting as it actually occurs in the forest does
8 not involve all of the trees being removed, that in
9 fact when determining how many trees are removed or
10 perhaps, more importantly, whether any trees are left a
11 biologist has input and sufficient trees are left so
12 that the wildlife biologist is satisfied that the
13 number of trees left will adequately protect or not
14 adversely affect wildlife, let's assume that that's now
15 the understanding that the person has of clearcutting,
16 all right?

17 A. Yes.

18 Q. Do you think that person might have a
19 different view as to whether clearcutting was something
20 which was acceptable or not?

21 A. Well, two points I guess in
22 response -- or in order to answer that question.

23 One, I mean, I guess it is my sense
24 that's quite a few ifs. If the people that we
25 interviewed accepted all of those statements or

1 understood that and accepted the fact that those trees
2 will be left or however that the wildlife would not be
3 affected, I think that's -- I have to question the
4 extent to which people would necessarily accept that.

5 So I guess what I'm saying is that it is
6 not clear to me that that hypothetical situation would
7 realistically take place.

8 Q. Well, wait a minute. You are not a
9 wildlife biologist, are you?

10 A. No, but I am an expert on public
11 opinion in terms of understanding what the public would
12 likely believe or accept.

13 Q. All right. So you are saying that
14 even if you told them that they may not believe it any
15 way?

16 A. They may not. It would depend on the
17 source -- well, no, it would really depend on the
18 source of information.

19 Certainly, people have a lot of images
20 and conceptions of their own about clearcutting,
21 correct or otherwise. I mean, clearly it is not
22 something that is totally foreign or unknown to people.
23 So to then go and explain to them certain things about
24 it, whether they accepted that as credible or not is an
25 if. I mean, they might, some might - and I will

1 address the next part of that in a moment - but I guess
2 what I'm saying is I suspect that there would be a lot
3 of people that would very hesitant to accept or
4 believe, rightly or wrongly, that in fact that kind of
5 harvesting wouldn't have an impact on wildlife. That's
6 the first part of my response.

7 The second part of my response goes back
8 to the response to question 29 and I will refer to - if
9 I can find it - the paper copy of one of the slides.
10 You have a set of those, do you not?

11 Q. Yes. This is the opposition to
12 clearcutting?

13 A. Yes, I probably have it in a
14 different form, but we do have that one.

15 MADAM CHAIR: Mr. Freidin, the Board
16 isn't finding this particularly helpful. We were the
17 ones who raised the question about the definition of
18 clearcutting as it was contained in the survey, we have
19 listened to Mr. Cassidy's fairly extensive
20 cross-examination on various aspects of bias and so
21 forth and survey techniques and we have got a pretty
22 clear indication of the weight that we are going to put
23 on the survey. So I don't think there is anything else
24 to be gained.

25 MR. FREIDIN: All right. A couple of

1 quick questions. Let's get off this one and I just
2 want to ask a couple more questions and I will be very
3 brief.

4 DR. NEUMAN: I could provide a quick
5 response to that.

6 MADAM CHAIR: I think we understand your
7 evidence fairly clearly. Thank you, Dr. Neuman.

8 MR. FREIDIN: Q. Can you turn to
9 question 30, then.

10 DR. NEUMAN: A. Sorry, question 30 in...
11 Q. Section 30 in the actual
12 questionnaire.

13 A. Question 30?

14 Q. Yes, question 30.

15 "Selection cutting is the alternative to
16 clearcutting. This method, however, is
17 more expensive. Clearcutting because it
18 is more labour intensive and provides...
19 the lowest volume of wood or "lower
20 volume of wood."

21 A. It says lower volumes.

22 Q. Lower volume of wood. Are you able
23 to agree or disagree with me that selection cutting is
24 not an alternative to clearcutting if what you are
25 concerned about is regenerating the forest quickly and

1 successfully?

2 A. Okay. Do you want me to agree or
3 disagree with the statement?

4 Q. If you can. I am just suggesting to
5 you that selection cutting is not an alternative to
6 clearcutting in many parts of the area of the
7 undertaking if what you are concerned about is fast and
8 successful regeneration which is --

9 MADAM CHAIR: Excuse me, Mr. Freidin.
10 Dr. Neuman isn't a forester. That's a question that we
11 have learned over four years. It is a question of
12 silvicultural expertise.

13 MR. FREIDIN: Point taken. Thank you.

14 DR. NEUMAN: Can I just make one brief
15 comment.

16 You are quite correct in that I don't
17 pretend to be an expert. I do briefly want to point
18 out that these questions and the wording was reviewed
19 carefully by Forestry Canada, including their own
20 silvicultural experts to make sure that the client was
21 comfortable that it was reasonably accurate at least
22 for a national survey.

23 So they did not rely on any of my lack of
24 expertise to come with the appropriate question wording
25 for the survey.

1 MR. FREIDIN: Okay.

2 Q. Will you agree that most of the
3 people get their information on forestry issues from
4 television and the media?

5 DR. NEUMAN: A. That's correct.

6 Q. And would you agree or disagree that
7 images created by media rarely cast clearcutting in a
8 positive light?

9 A. Well, I'm not sure I'm in a position
10 to say that.

11 Q. All right. Well, if you are not in a
12 position just say so, then just say you're not?

13 A. I'm not.

14 Q. All right.

15 A. Not quite that kind of blanket
16 statement.

17 Q. All right. Do you agree that the
18 media and television rarely describes clearcutting as a
19 sound silvicultural procedure necessary to renew much
20 of our forests?

21 A. I'm not sure I can say that either.

22 Q. Okay, thank you. You said in your
23 evidence that the use of an opinion poll would "provide
24 information re how timber management should be done."

25 Do you agree with me where perception on

1 a technical issue is based on misinformation, be it
2 misinformation provided by the media or misinformation
3 provided in a questionnaire, that education is the
4 proper course of action, not change management action?

5 A. No, I wouldn't agree with that
6 entirely. I would like to make two quick responses.

7 One is -- by my response I don't mean to
8 suggest that education is not important, would not be
9 constructive or should not be done.

10 That being said, some of the issues that
11 were addressed in this survey and other surveys did not
12 deal specifically with technical matters, and I'm not
13 referring specifically to the clearcutting ones per se,
14 but really are an attempt to get some indication of the
15 public's overall priorities or -- well, two areas.

16 Their concerns about not only the way the
17 forests are managed, but things such as processes by
18 which decisions are made; public involvement and that
19 sort of thing.

20 The other part of it is getting some
21 indication of what it is about forests that the public
22 in Ontario or in Canada think are important and really
23 the kinds of considerations that ought to be most
24 important in deciding how this resource ought to be
25 used and/or managed.

1 That's not a question that has a
2 technical answer to it. That's quite different than
3 figuring out in a particular area how quickly you can
4 regenerate the forests. Those are questions of really
5 public priorities and values, and I'm not suggesting
6 that the survey will give you the answer to that, but
7 certainly the kind of information you get from this
8 kind of research provides, I think, some very
9 constructive and objective information about public
10 priorities and concerns.

11 However, those were formed or based they
12 are valid whether one agrees with it or not. There is
13 no right or wrong answer to those questions.

14 MR. FREIDIN: Madam Chair, I will take
15 your instruction and I will not ask anymore questions
16 about the specifics of those surveys, but I do have a
17 couple of areas I do want to continue with.

18 Q. You gave some evidence where you were
19 critiquing in effect some evidence given by a Mr. Mike
20 Buss, one of the Ministry witnesses, do you recall
21 that?

22 A. Yes, I do.

23 Q. In your evidence you were asked
24 Which methodology was higher reliability, yours or his
25 and you said yours was and you said it was because it

1 was a true research approach which would be much more
2 reliable. It is based on social science.

3 Now, what was it that Mr. Buss was
4 doing -- like, what was he doing and what was the
5 methodology that he used which you were saying was not
6 as sound as yours?

7 A. Well, I have to limit my comments.
8 My understanding of his methodology is limited to what
9 was in that transcript. So without knowing more about
10 what he did, it seemed quite clear to me that his
11 methodology was a fairly informal kind of having been
12 in the area and talked to a large number of people.

13 Q. Over what length of time?

14 A. Twenty years perhaps. I'm not sure
15 exactly.

16 Q. Okay.

17 A. He certainly gathered a lot of
18 information of which to make his opinion, but
19 nevertheless the experiences of a particular person
20 over time in the course of that kind of exercise, in my
21 mind, does not constitute research per se.

22 Q. May not constitute -- I'm sorry.

23 A. And just to finish the point. There
24 is no -- I guess part of the limitation of that
25 information is that all that information in a sense was

1 obtained and filtered through one person's experiences
2 and perceptions, understanding and cannot be considered
3 sort of objective beyond that particular person's
4 background, expertise, personal biases or whatever.

5 Furthermore, there is no kind of
6 documentation to know who he spoke to and the
7 distribution of those people, what he heard from them,
8 you know what people he may have heard from that had a
9 different point of view.

10 So part of the reason why it is not
11 research and part of the reason why I believe it is
12 less reliable is there is no way to go back and look at
13 any aspect of his drawing together of information to
14 examine it the way we are examining the survey to draw
15 some conclusions about its validity.

16 Q. Well, it seems to me, Dr. Neuman,
17 that the opinion evidence of Mr. Alexander and Ms.
18 Dube-Veilleux was collected in exactly the same fashion
19 as Mr. Buss' and if you agree with me, are you
20 suggesting that their evidence is not reliable or not
21 important?

22 A. Not at all and I'm not not suggesting
23 that Mr. Buss' evidence is not reliable either.

24 Q. What about the weight to be given--

25 A. I believe --

1 Q. --to it in comparison to yours?

2 MR. O'LEARY: Would you let him finish
3 answering the question, please.

4 MR. FREIDIN: All right.

5 DR. NEUMAN: Thank you. I mean, the
6 question put to me was which did I consider to be more
7 reliable. So it is a question of relativity.

8 I also would suggest that there are two
9 different levels of information that are being
10 collected. I don't think that it would be accurate or
11 fair to say that what Mr. Buss was doing and what I was
12 doing through this research had precisely the same
13 objectives to them or we were trying to get answers to
14 exactly the same questions.

15 Does that answer your question?

16 MR. FREIDIN: Yes, I think it does.
17 Thank you. I'm not too sure what time you planned to
18 fly out, Dr. Neuman, but --

19 A. It's okay. Continue.

20 MR. FREIDIN: I have no further
21 questions.

22 MADAM CHAIR: Are you finished, Mr.
23 Freidin?

24 MR. FREIDIN: Yes.

25 MR. O'LEARY: Would this be an

1 opportunity -- I just have two questions in
2 re-examination. If that was appropriate I would do
3 them right now and then Dr. Neuman could leave when he
4 felt it appropriate.

5 MADAM CHAIR: No objections, Mr. Freidin?

6 MR. FREIDIN: None.

7 MADAM CHAIR: Go ahead.

8 RE-EXAMINATION BY MR. O'LEARY:

9 Q. My first followed from Mr. Freidin's
10 last line of questioning and you indicated, Dr. Neuman,
11 that you had read that portion of the transcripts in
12 relation to Mr. Buss and I just wanted to ask you, did
13 you ever have a chance to read any portion of the
14 witness statement that was filed on behalf of Mr. Buss
15 as well?

16 DR. NEUMAN: A. I'm not certain whether
17 I have or not.

18 Q. Maybe it got lost in the shuffle. I
19 just thought I would show it to you to see if this
20 refreshes your memory. I am looking at Exhibit No.
21 603B and specifically page 377.

22 A. Yes, I have seen this, although I saw
23 it not as part the whole document. So, yes, I now
24 recognize it. It looks a little different as part of
25 a...

1 Q. And those are pages 377, 378, 379,
2 380?

3 A. Yes, I did see those pages.

4 Q. All right.

5 A. I have a copy here somewhere if I
6 could find.

7 Q. My second and last question relates
8 to some of the questioning by Mr. Cassidy in respect of
9 non-sampling errors and he went and questioned you
10 extensively on various forms of sampling errors that
11 might not be quantifiable in terms of plus or minus 1.9
12 per cent.

13 My question to you is simply this: Even
14 though the 1991 national survey results are not yet
15 out, when they are released, to the extent that they are
16 similar or closely reflect those contained in the 1989
17 survey, can you tell us whether the Board should be
18 able to place -- could you tell us what level of
19 confidence the Board could then place on both of those
20 surveys or either one? Will that change?

21 A. Sorry, the level of confidence that
22 the Board can place on that survey?

23 Q. In the results of either or both of
24 the surveys to the extent that they are similar and
25 tend to support each other.

1 A. Okay. In terms of the accuracy of
2 the research and the results, I would put an equal
3 level of confidence in the '91 survey as the '89 based
4 on the fact that the methodology was essentially the
5 same and, again, despite the reference to all the
6 different potential kinds of sampling and non-sampling
7 errors that might occur in this kind of research, as a
8 professional in this business with specific
9 responsibility to make sure that we provide our clients
10 with accurate numbers, I am quite confident that that
11 methodology has been successful in getting an accurate
12 representation.

13 I would simply add to that that I would
14 place a little more confidence in the '91 numbers in
15 terms of what this Board might look at simply because
16 they are more recent than '89. Only because it's a
17 little closer in time.

18 Q. Just take it one step further. If
19 they are similar in terms of the results--

20 A. Yes.

21 Q. --does that have any impact on the
22 confidence that a party could place in the results?

23 A. Well, yes. The extent to which the
24 results of the '91 survey are reasonably consistent
25 with the '89 -- and, again, it would be very unusual if

1 the results turned out to be exactly the same because
2 of sampling error and other sorts of things, there is
3 always going to be a bit of variation. If in fact the
4 results of the two surveys were essentially the same
5 that, in my view, would increase the confidence and
6 reliability because in a sense you have gone out with
7 two samples and gotten essentially the same results.

8 I think just to kind of add to that
9 point. While in some of the evidence that I have given
10 I have been asked to restrict my comments primarily to
11 the specific surveys that have been tabled, because I
12 have been involved in a number of other surveys on
13 similar issues where I have seen results similar to
14 these surveys gives me a certain amount of confidence
15 that when I see certain kinds of results they don't
16 strike me as being spurious in any way.

17 In other words, the fact that you ask
18 certain kinds of questions in different surveys of
19 similar populations at different intervals and you get
20 largely similar results I think strengthens the
21 validity and reliability of that information because it
22 can't just be, you know, a chance sample or a chance
23 question.

24 If people are responding in a similar way
25 to the same question, that suggests that that attitude

1 or perception, in fact, is that we are measuring
2 something which in fact exists.

3 MADAM CHAIR: If you find quite different
4 results what would you conclude?

5 DR. NEUMAN: Well, there are two
6 hypotheses there. One hypothesis is that in fact
7 attitudes have changed and the other would be that, you
8 know, it is possible that there was something with the
9 questions of the survey.

10 In order to come to judgment about which
11 of those is most likely really has to do with looking
12 at the results of -- in a sense all of the questions in
13 a particular survey.

14 So, for instance, there may be half a
15 dozen questions dealing with concerns about harvesting
16 methods and if in fact between one survey and the next
17 they all change roughly in the same direction, that
18 would suggest that in fact there may have been some
19 shift in perception over time, or if there was some
20 other research that one was aware of that showed
21 similar change, that would give you some evidence
22 suggesting that in fact something has happened.

23 If, on the other hand, you are looking at
24 a change from one year to the next that doesn't fit any
25 pattern; in other words, it may be inconsistent with

1 other results between the two surveys or just, you
2 know, there is no logical basis or other information by
3 which to make sense of it, that would at least suggest
4 that there may have been something in the way perhaps
5 the question was worded that, you know, threw people
6 off or people didn't understand or wasn't very well put
7 together.

8 MR. O'LEARY: Those are my questions,
9 Madam Chair.

10 MADAM CHAIR: Thank you, Mr. O'Leary.
11 Thank you very much, Dr. Neuman, for
12 spending three days with us this week.

13 DR. NEUMAN: Quite enjoyable.

14 MADAM CHAIR: We appreciate your effort.
15 Thank you. Again, you can leave whenever you wish.

16 DR. NEUMAN: I do appreciate the Board's
17 accommodation of my travel needs. I do appreciate
18 that. My family appreciates it too. Thank you very
19 much.

20 MADAM CHAIR: Thank you.

21 Mr. Freidin?

22 MR. FREIDIN: Okay.

23 CROSS-EXAMINATION BY MR. FREIDIN (Cont'd):

24 Q. Going back then to Exhibit 2039 and
25 2040, the two documents that you were left with just

1 before the break, Mr. Alexander and Ms. Dube-Veilleux,
2 have you had a chance to read both of those documents?

3 MS. DUBE-VEILLEUX: A. Yes, I have.

4 Q. In relation to Exhibit 2039, which is
5 the memorandum of understanding signed between the
6 district manager and Mr. Cheney, is that the sort of
7 agreement that you said that you have some knowledge of
8 being entered into from time to time in various parts
9 of the province?

10 A. Yes, that would be similar.

11 Q. Sure. In the first area of concern
12 which is listed, 58, would you agree that the first two
13 bullet points is a reflection of the sort of
14 prescription you were talking about; that is where you
15 have a no-activity reserve for some distance back of
16 the lake and then some sort of selection cutting or
17 limited harvesting activities for a further distance
18 back before you got into the area where there would be
19 no restrictions?

20 A. Yes, this is something of the nature
21 that we were suggesting.

22 Q. If you turn to page No. 2 under the
23 heading General, are the sorts of prescriptions which
24 are referred to in terms of closing various types of
25 roads and in fact removing roads within two kilometres

1 of the lake after they are no longer being used for
2 timber management the sorts of prescriptions -- an
3 example of the types of prescriptions you were talking
4 about?

5 A. I would just like to ask one question
6 before answering that. With the first bullet point
7 under General, it suggests that the all weather
8 secondary road constructed within two miles shall be
9 closed for public travel, and I suppose it is more of a
10 curiosity question, but it is part of a confidence
11 question as well and the trust thing, was there any --
12 first of all, does that road go to a specific place and
13 offer other angling opportunities other than those on
14 Little Vermilion Lake?

15 Q. Well --

16 A. Or do you know that?

17 Q. Let's assume that it doesn't.

18 A. If it doesn't, then I would say that
19 that looks to me -- I only ask the question because I
20 am also concerned about providing the opportunities for
21 the public as well and that's my only reason for asking
22 that question.

23 Q. I don't know one way or the other
24 other.

25 A. Otherwise, yes, I think that is

1 typical of a prescription that I'm familiar with.

2 Q. Exhibit 2040 which is a section out
3 of the Red Lake plan --

4 A. If I could just maybe add one thing
5 here.

6 Q. Yes.

7 A. We are looking at the 120 metre
8 reserve and 120 selective or modified?

9 Q. This is back on page 1 under area of
10 concern 58?

11 A. That's right.

12 Q. Yes.

13 A. And, again, referring to what we have
14 just been talking about about the road closures within
15 two kilometres.

16 Q. Yes.

17 A. My only question about the whole
18 thing here is is that actually -- and I'm not going to
19 belabor it. My concern here is, actually given the
20 nature of the terrain here and the whole works, is that
21 the best thing for that opportunity and that's all I
22 will say.

23 Q. All right. And that's the concern
24 that you have and it is a concern that you would expect
25 that the operator who was involved in this agreement

1 would have thought about the same sort of thing?

2 A. As did the operator in the pictures
3 that I presented this morning.

4 Q. Sure. And they would do their best
5 in dealing with that particular issue?

6 A. Yes.

7 Q. In relation to 2040, the section
8 regarding environmental planning consideration for
9 fisheries and wildlife areas in the Red Lake plan, did
10 you review that in a general way, the entire document?

11 A. Yes, I did.

12 Q. Would you agree that that is a
13 description of timber management strategies and how
14 they are intended to assist in meeting certain
15 non-timber objectives through the manipulation of
16 forest cover?

17 A. I guess that -- yes, I am.

18 Q. Is that the sort of information that
19 you have not observed in many plans that you have
20 looked at and which you said that you would like to
21 see, that sort of explanation?

22 A. Yes, as a general description of the
23 unit and what might be in that unit. Yes, it does --
24 it is an overall picture.

25 Q. And, Mr. Alexander, your comments in

1 relation to that question?

2 MR. ALEXANDER: A. Can you repeat the
3 question, please.

4 Q. Is that description of timber
5 management strategies which were intended to assist in
6 meeting non-timber objectives, all involving the
7 manipulation of the forest cover, the sort of
8 information that you have seen lacking in some plans,
9 but would find to be the sort of thing that you are
10 looking for?

11 A. First of all, before I answer I would
12 have to say that I don't have a lot of intimate
13 knowledge on the particular area that we are talking
14 about and, further, I have not studied the plan.

15 Having said that, I think there is some
16 excellent comments in here. There is some excellent
17 strategies and movements in here. I also think there
18 are some things missing.

19 As to whether it is better than any other
20 I have ever seen, I don't think I can say that with a
21 qualified: Yes, it is better than any I have ever
22 seen. I do agree there are some positive things in
23 there.

24 Q. All right. If I don't ask you your
25 counsel will probably ask you in re-examination. So

1 what is missing?

2 A. Well, one particular thing I found
3 missing was - it is one of my pet things I guess -
4 there was no mention of moose aquatic feeding areas.
5 To me that's a very important item when it comes to
6 moose.

7 There doesn't seem to be any discussions
8 about habitat supply. I mean, how much habitat are you
9 going to supply for moose that -- the targets that have
10 been set out there or maybe set and it does not mention
11 anything about the compliance or post-operations.
12 Important are post-operations, of course.

13 Q. Okay. Well, without getting into
14 detail on any of those, I take it then we could
15 summarize your evidence to say that this addresses to
16 some extent the issues which are of concern to you
17 regarding the relationship between manipulation of
18 cover and the achievement of non-timber objectives but,
19 it doesn't go far enough? In a nutshell that's what
20 you are saying?

21 A. Yes, I think that's a fair -- yes,
22 that's fair. There is another area that I would like
23 to mention too, if I may go back to it. One I didn't
24 mention. I notice on page 98 --

25 Q. Yes.

1 A. This deals with some questions that
2 were asked by the forest industry yesterday. If we go
3 to the section under Road Access.

4 Q. Right.

5 A. The second paragraph.

6 Q. Right.

7 A. About the fifth line down it says
8 stream crossings. Do you see that?

9 Q. In fact that's my little dash.

10 A. That's your little dash there.

11 "Stream crossings that have not been
12 inspected during the planning stage that
13 would have identified critical fish
14 habitat values will be confirmed prior to
15 crossing. This will be achieved through
16 ground inspections where necessary and
17 through aerial reconnaissance by
18 helicopter."

19 This is where I was talking about the
20 project planning level, the things that go on out in
21 the field after the public input process is completed.

22 So I have a little concern about the use
23 of the term "where necessary" and I was trying to
24 decide whether that last sentence -- I guess what it is
25 saying to me is that if they feel on the ground

1 inspections are necessary they will do them and that's
2 really...

3 Q. Right. This thing about project
4 level, you used an example. Let's see if I can find it
5 here. You were talking about culverts--

6 A. Yes.

7 Q. --during your evidence.

8 A. I use that as one example in relation
9 to road access and culverts.

10 Q. Right. In that regard you said -- we
11 are talking now about project kinds of decisions. You
12 said:

13 "Once the timber management plan is
14 completed they..." I take it you mean
15 the Ministry or the industry,

16 "...go out and layout roads, culverts are
17 placed and there is no public input.

18 Someone has to decide on the size of the
19 culvert."

20 A. That's what -- yes.

21 Q. So I take it, then, you are concerned
22 that there is no public input in terms of the
23 determination of the size of the culvert, there is no
24 public input in the case of the stream crossings as to
25 whether a ground inspection was necessary or not?

1 A. Yes, and there is no public input as
2 to whether there are any identifiable, valuable
3 fisheries habitat or resource within that stream.

4 Q. All right. Now, Mr. Alexander, I am
5 not sure how to put the question to you, but it seems
6 to me -- do you agree that somewhere in a planning
7 process you have to draw the line between where the
8 public have input and can review the decision and have
9 input and where you say: Okay, we have planned this
10 out to enough detail and now we have got to leave it to
11 the technical people. I mean, we have paid these
12 professional people with our taxes, it is now time to
13 let them go out there and exercise their professional
14 judgment and do their job.

15 As a general proposition, is there a line
16 that you draw somewhere?

17 A. I think I can say yes there is a line
18 you can draw somewhere particularly if you have the
19 committees involved that we were talking about that are
20 going to be involved in this thing on an ongoing
21 process.

22 Q. All right. Let me suggest to you
23 that having the public involved in the minutia or
24 detail of determining what particular size culvert is
25 going to go at a particular stream crossing is getting

1 down -- is crossing the line?

2 It is getting into the technical area
3 where I would suggest you should be leaving that sort
4 of thing to the people you are paying to do it and not
5 create a planning process that's going to have the
6 public involved in that kind of decision?

7 A., Well, my comment to that would be
8 that one of the problems of road washouts and one of
9 the problems of siltation and one of the problems, in
10 my opinion, of destruction of fisheries habitat is the
11 inadequate size of culverts.

12 So whether that's got to be a technical
13 decision or whether there's got to be public input on
14 it is not really the question. To me -- is not really
15 the point. To me the point is what's been done in the
16 past has not been working right because it's a common,
17 common problem, is that the culverts are too small,
18 they often do not have the proper substrate underneath
19 them, they often do not have enough cover on top of
20 them to prevent them from collapsing. Culverts are a
21 major problem.

22 Q. You are talking about incidents which
23 have occurred over what period of time?

24 A. Over a long period of time.

25 Q. All right. A lot of what we are

1 talking about is historical and I would suggest to you
2 predates a document that's been entered into evidence
3 here which is a Guideline for the Construction of
4 Access Roads and Water Crossings?

5 A. I can give you an incident, if you
6 would like.

7 Q. Well, no. I mean, are most of the
8 incidents that you are referring to, do they predate --
9 I am going to give you every opportunity to tell me
10 anything you want, but are most of the incidents that
11 you are referring to ones which predate the
12 operationalization of that particular document?

13 MR. O'LEARY: Do you have a date for that
14 document?

15 MR. ALEXANDER: I think I know the date.
16 I reviewed that document when it was produced and I
17 think it was about 1985, if I am correct.

18 MR. FREIDIN: Q. It would be later than
19 that.

20 MR. ALEXANDER: A. It could have been.
21 Anyway, our organization reviewed that document and I
22 was one of the persons that was asked to review it. I
23 don't recall all the details of it, but I have had some
24 problems with stream crossings since that time.

25 Q. Have the number of stream crossings

1 diminished since that date?

2 A. Well, I guess I would have to say
3 because I have been so involved in all these other
4 things, spending most of my weekends talking about
5 fishing instead of going fishing, I haven't seen as
6 many occurring. I'm not out there as often as I used
7 to be.

8 Q. That particular guideline was
9 developed with input from the Ontario Federation of
10 Anglers & Hunters or were you personally involved?

11 A. We supplied input. Whether it was
12 developed with that -- with that consideration I'm not
13 sure.

14 Q. Okay.

15 MADAM CHAIR: Excuse me, Mr. Freidin.
16 You better remind the Board of which one you are
17 talking about.

18 Are you talking about the access roads
19 and stream crossings or are you talking about the
20 operational or construction -- which one are you
21 talking about?

22 MR. FREIDIN: It is the Guidelines for
23 the Construction of Access Roads and Water Crossings.
24 It is a nice coloured one with the logging truck going
25 across a bridge, primarily blue in colour. That's not

1 the truck, that was the sky.

2 MR. O'LEARY: Was that the colour of the
3 government at that time?

4 MR. FREIDIN: No, it wasn't green.

5 MR. MARTEL: No, they were red.

6 MR. O'LEARY: I just wondered whether it
7 might have been '85 or not, that's all.

8 MR. MARTEL: Close to '85.

9 MR. FREIDIN: Q. A quick couple of
10 questions on bump-up. Ms. Dube-Veilleux, you said that
11 one of your concerns was that presently operations
12 continue while the MOE are considering the bump-up
13 request; is that correct?

14 MS. DUBE-VEILLEUX: A. Yes, I did.

15 Q. If, in fact, the situation was
16 that -- would this situation be acceptable to you,
17 would this address your concern, where there remained
18 an outstanding bump-up request to the Minister of the
19 Environment at that time that activities were scheduled
20 for implementation, partial or conditional approval of
21 activities may be granted by MNR with the concurrence
22 of the Director of the Environmental Assessment Branch,
23 which is the Ministry of the Environment, which would
24 permit appropriate operations to proceed in respect of
25 activities in areas unaffected by the outstanding

1 request, is that what you want to see?

2 MR. O'LEARY: I am wondering, do you have
3 a copy of those terms and conditions? I was wondering,
4 Mr. Freidin, if you could supply the witness with a
5 copy of what you are asking her to agree to.

6 MR. FREIDIN: Q. Do you have MNR's draft
7 terms and conditions, Exhibit 2032? It is a green
8 book. All green.

9 MS. DUBE-VEILLEUX: A. All green?

10 MR. FREIDIN: Does the Board have that
11 extra copy I gave to it?

12 MADAM CHAIR: Yes, we have it and here is
13 an extra copy.

14 MS. SEABORN: I have an extra copy as
15 well.

16 MR. FREIDIN: Copies are just flowing
17 out.

18 MR. O'LEARY: Not over at this side of
19 the table.

20 MR. FREIDIN: It is such a wonderful
21 document everybody is trying to get their hands on it.

22 MADAM CHAIR: Mr. Freidin, are you
23 referring to 96?

24 MR. FREIDIN: No, turn to page 73 of
25 Exhibit 2032.

1 MADAM CHAIR: Okay.

2 MR. FREIDIN: Appendix 15.

3 MADAM CHAIR: Okay. Page 72 and 73.

4 Okay, thank you.

5 MR. FREIDIN: Q. Do you have that, page
6 73.

7 MS. DUBE-VEILLEUX: A. Yes, I do.

8 Q. It is item No. 7.

9 MR. O'LEARY: Madam Chair, I may be wrong
10 in this, but since it appears that the witness has
11 never seen this document before I thought it would only
12 be fair to allow her to an opportunity to review it. I
13 don't know if that's possible within the moments that
14 Mr. Freidin is going to suggest that she have available
15 to her to review it.

16 MR. FREIDIN: May I respond?

17 MADAM CHAIR: Mr. Freidin?

18 MR. FREIDIN: I really am not trying to
19 be -- I hope I don't appear ever to be unfair to the
20 witness, but I am just asking whether this provision
21 addresses a concern that she raised about bump-up
22 requests somehow being delayed and not dealt for one
23 reason and that the operation just continue.

24 I just wanted to ask if the situation
25 contemplated by this term and condition addresses that

1 concern.

2 MR. O'LEARY: It is one of several.

3 MS. DUBE-VEILLEUX: It is one of several.

4 MR. FREIDIN: I know it's one of several,
5 but --

6 MR. O'LEARY: And it is in Appendix 15.
7 So we have to go back to the original.

8 MR. FREIDIN: All right. I am in your
9 hands, Madam Chair. I don't think that the witness
10 needs to review how this fits into the whole scheme of
11 things, but if you feel that necessary I am quite
12 willing to give the witness the time to read all of the
13 provisions in relation to bump-up.

14 I am going to go back to that particular
15 question because that's the only one I am interested in
16 is that section and ask her whether it addresses her
17 concern.

18 MADAM CHAIR: Do you have more questions
19 on bump-up, Mr. Freidin?

20 MR. FREIDIN: Maybe one.

21 MADAM CHAIR: It is 2:30. Shall we take
22 our afternoon break now?

23 The Board would just remind the witness
24 that Mr. Freidin wanted your opinion on item 7. You
25 are, of course, are free to read the foregoing items if

1 you think it puts it in context, but Mr. Freidin's
2 question will be directed at item 7.

3 This document, for your information, is
4 the proposed terms and conditions by the Ministry of
5 Natural Resources and where there is bolded writing the
6 other parties have not agreed to those terms and
7 conditions.

8 MR. FREIDIN: By the way, Madam Chair,
9 that is my only question. After your comments before
10 the break I eliminated eight questions out of nine.

11 MADAM CHAIR: Thank you very much, Mr.
12 Freidin.

13 MR. FREIDIN: You are very effective.

14 MADAM CHAIR: Thank you very much. Do
15 you think we will finish at four o'clock or shortly
16 thereafter.

17 MR. FREIDIN: It depends on whether you
18 give me any further instruction I suppose, but we will
19 try.

20 MADAM CHAIR: All right.

21 MR. FREIDIN: I may want to go a little
22 bit past, but we are moving along fairly quickly.

23 MADAM CHAIR: Good. We will take our
24 afternoon break now and be back in 20 minutes.

25 Mr. Hanna, could you remind me at the end

1 of the day to give the transcript references following
2 up on our scoping session yesterday?

3 MR. HANNA: Yes, Madam Chair.

4 ---Recess at 2:30 p.m.

5 ---On resuming at 2:45 p.m.

6 MADAM CHAIR: Please be seated.

7 MR. HANNA: Madam Chair, you were going
8 to provide us the references for Dr. Euler's testimony
9 to which --

10 MADAM CHAIR: Would you like that now,
11 Mr. Hanna?

12 MR. HANNA: Sure.

13 MADAM CHAIR: There are many different
14 places that Dr. Euler and other witnesses discussed
15 wildlife management and I think yesterday we confused
16 some of that evidence with respect to multi-indicator
17 species approach vis-a-vis featured species with
18 habitat supply analysis. So we will give you a couple
19 of references that we had in mind.

20 In Volume 94, page 15,948, Dr. Euler
21 comments on:

22 "Given enough money, yes, you can get it,
23 habitat supply analysis, into a tool
24 that's easy for a field manager to use,
25 although it is very expensive."

1 On page 15,962, Dr. Euler makes a comment
2 to the effect that MNR would be happy to accept habitat
3 supply analysis as soon as it becomes feasible at a
4 reasonable cost.

5 In Volume 162, on pages 28,614 and 28,620
6 Dr. Euler again comments on his views on how useful
7 habitat supply analysis would be again with respect to
8 its cost and how quickly it could be made operational.

9 In Volume 163, pages 28,974, Dr. Euler is
10 discussing the tools with which MNR could conduct
11 wildlife management.

12 A final reference of course is in Exhibit
13 2032, MNR's proposed condition No. 90, I think -- no it
14 is in the appendix. Yes, item No. 90 on page 27 where
15 MNR has said:

16 "During the term of this approval MNR
17 shall continue to examine wildlife
18 habitat supply modelling methodologies."

19 So our comment yesterday that MNR is
20 moving towards habitat supply analysis is not
21 completely accurate. MNR is studying habitat supply
22 analysis.

23 Mr. Freidin?

24 MR. FREIDIN:

25 Q. Witnesses, have you had a chance to

1 look at that term and condition or appendice, Appendix
2 15?

3 MS. DUBE-VEILLEUX: A. Yes, we have.

4 Q. Are you able to answer my question as
5 to whether item No. 7 in any way addresses the concern
6 that you raised, Ms. Dube-Veilleux, about operations
7 continuing while the bump-up request is still
8 outstanding and by that I mean the decision not having
9 been made by the Ministry of the Environment?

10 A. Yes, that does address that concern.

11 I have only one question, and I don't see
12 a time frame on that.

13 Q. Let's assume that it is valid as long
14 as the matter is before the Minister of the
15 Environment. If that's the case, when you say it
16 addresses it, do I take it that it addresses it to your
17 satisfaction?

18 A. I would have to say that not being
19 fully familiar with all the procedure and the process
20 that comes up to this point, this statement taken alone
21 definitely addresses the concern that I had expressed
22 about activities continuing during the time of the
23 request.

24 Q. I take it that part -- another reason
25 that it addresses your concern is if the fact that

1 there is a third party?

2 You had mentioned the Minister of the
3 Environment. This is the Director of the Environmental
4 Assessment Branch, but again, it is the Ministry of the
5 Environment. Would that be another part of this that
6 in fact gives you some comfort?

7 A. To the extent that there can be
8 comfort, yes.

9 Q. Good. Thank you very much.

10 A. All I meant was I still prefer it got
11 involved at the local level, but that's all right.

12 Q. Sure. Thank you very much. You gave
13 evidence about the Nagagami Forest and there was a
14 deferral there?

15 A. Yes, I did.

16 Q. And that's a situation where a
17 particular issue arises that can't be resolved and the
18 Ministry agrees that they won't approve any specific
19 operation, they will defer a decision and there will be
20 further dialogue; is that correct?

21 A. That's correct. I'm sorry, Mr.
22 Freidin, as long as we understand that it is on a
23 portion of that unit.

24 Q. That's right. On a portion of the
25 unit, all right.

1 In terms of the Red Lake plan, there was
2 a lot of evidence given about this specific Red Lake
3 plan, the most recent one, 1991 to 1996 at a community
4 hearing in Red Lake. A number of tourist operators got
5 up, spoke about it, commented about Mr. Sidders who was
6 the forester. Are you familiar with any of that
7 evidence?

8 A. I'm not familiar with any of that
9 evidence.

10 Q. So I take it then you are not
11 familiar with Mr. Carlson who was one of the remote
12 tourist operators who indicated that he had a concern
13 and it in fact resulted in a deferral as well.

14 A. No, I'm the not aware.

15 Q. When these deferrals take place, is
16 it often because the parties who are concerned -- that
17 they would like to try to agree on the results? Is
18 that one of the reasons sometimes there is a deferral?

19 A. That is one of the reasons, yes.

20 Q. An agreement perhaps involving MNR
21 that they would like to have more data on in fact
22 before they made an ultimate decision as to whether
23 operations will proceed or how they should proceed?

24 A. That's part of it.

25 Q. It seems to me that the fact that

1 these deferrals in fact do take place is an indication
2 that the Ministry of Natural Resources who have the
3 authority to approve these plans don't just put their
4 heads down and bull ahead, straightforward and say: We
5 are going to approve the plan come hell or high water,
6 but rather the fact that these things happen indicates
7 that the Ministry is concerned about these things and
8 deals with the issues and get this increased data on a
9 case-by-case basis where, in fact, it looks like it is
10 required; is that fair?

11 A. Certainly in the particular situation
12 I can speak to that opportunity was developed through
13 the process that we were following.

14 Q. Okay, thank you. You made a comment
15 in your evidence, you were talking again here about
16 aesthetics and access concerns and you said, if we
17 balance out the revenues and the economic impact of the
18 remote tourist operator versus the wood left there to
19 protect the aesthetics...

20 When you were giving that evidence you
21 were talking about a situation where you were talking
22 about a specific operator where there was going to be
23 some operation in the area and you had to sort of make
24 that tradeoff; is that correct?

25 A. As a general statement I believe

1 that's correct, yes.

2 Q. Okay, thank you.

3 A. I'm not quite sure that I -- you said
4 the wood that would be left. The value of the wood
5 left for aesthetics, is that what you -- is that the
6 way you put it?

7 Q. Right.

8 A. Are you referring to it as an
9 aesthetic value or as a monetary value, an economic
10 value?

11 Q. Well, you tell me how you were
12 referring to it. What you said was, if we balance out
13 the revenues and the economic impacts of the remote
14 tourist operator on the one hand against the wood
15 left - and I assume you meant the revenues and economic
16 impact of leaving the wood there, all right - I was
17 just wondering, when you gave that evidence were you
18 talking about -- you had in your mind a situation where
19 there was an operation planned that might affect a
20 specific operator?

21 A. Yes.

22 Q. All right. Now, can you turn to
23 interrogatory 8 for the Ministry of Natural Resources
24 which is a part of Exhibit 2023, please. Do you have
25 that?

1 A. Yes, I do.

2 MR. FREIDIN: I will wait for Mr. Martel
3 to find his copy. It's page 5 of the interrogatory
4 responses, Mr. Martel.

5 MR. MARTEL: Thank you. Interrogatory 8
6 asked by the Ministry of Natural Resources. It arises
7 out of a witness' statement regarding compensation.

8 MS. DUBE-VEILLEUX: A. I am there, yes.

9 MR. FREIDIN: Q. In answer (a) you say
10 that:

11 "Compensation should be determined on the
12 basis of the distribution of costs and
13 benefits. Those who benefit
14 disproportionately are the logical
15 candidates to compensate those bearing
16 the majority of the costs."

17 Then you say in answer (b) that this
18 assessment should be performed for the full planning
19 horizon.

20 I take it that the planning horizon in
21 that context means at least one rotation?

22 A. That's generally what we mean, yes.

23 Q. That's what you mean in that
24 context -- or is that what you mean in that context?

25 A. I would say certainly that on the

1 outside that would be it. There may be other factors
2 which will -- in this in particular case, where this
3 one may not be necessary, and I'm only saying that
4 there would be a different -- there would be limiting
5 and variable factors in there that might be considered.

6 Q. What sort of factors might limit the
7 time horizon over which you would assess this
8 compensation?

9 A. I would suggest that it would depend
10 exactly on what the situation was, whether we were
11 trading off -- I don't know. How we were -- because
12 there are conceivably an awful lot of situations that
13 could happen.

14 I would suggest that it would be easier
15 to deal in a tourism context than it would in some
16 other context where there would be a high value placed
17 on the resources and that value doesn't have -- or that
18 resource or the use of that resource may not have a
19 dollar figure readily available for it, but that they
20 would go and get.

21 Q. All right. Let's leave aside the
22 non-timber values which are very difficult to attribute
23 a dollar figure to.

24 Let's talk about the one which I
25 understand you think is easier to deal with and that's

1 a remote tourist operation. What are the sorts of
2 factors which might cause you to say that the time
3 frame over which you would determine compensation
4 should be less than a full planning horizon; i.e., one
5 rotation? Did you write the answer to that
6 interrogatory?

7 A. Yes. In fact, when we were
8 discussing it I was thinking it was a very good idea
9 and now...

10 I suppose I would have to defer to
11 experts on this and I'm sure it will be adequately
12 addressed in Panel 8. I'm really not an economist at
13 all. You have to look at an awful lot of factors even
14 on the tourist operation -- over the tourism
15 opportunity in a particular area.

16 Right now it depends on the possibilities
17 for the next 20 years. We have to look at the forest
18 structure as it exists now and then when the action
19 takes place that would change the nature of that. I
20 think those are all the types of things to be taken
21 into consideration.

22 Q. Do you believe that it will be
23 difficult to determine compensation over a full
24 rotation of the forest given the variables that you
25 were discussing?

1 A. I agree it will be very difficult.

2 Q. One of the reasons I asked the
3 question is you said in response to an undertaking that
4 the Board wanted that you thought it would be very
5 difficult to, in fact, quantify the effects of timber
6 management on businesses where they had been put out of
7 business or whether they had loss or had a reduction in
8 their profit margin.

9 A. I agree it would be difficult for me.

10 Q. Right. Difficult for you?

11 A. I'm not a professional, I'm not a
12 specialist, I'm not an economist, but I understand that
13 there are those out there who are qualified to make
14 those types of projections and decisions and to gather,
15 the evidence and I just have to defer to the experts
16 that you will hear on Panel 8.

17 Q. All right. So you can't venture any
18 opinion then on whether you think it would be equally
19 difficult or more difficult to provide information on
20 the businesses which have been affected at a point in
21 time?

22 You don't know whether it will be more
23 difficult to, in fact, figure out what the compensation
24 should be for a hundred years into the future.

25 MR. O'LEARY: Madam Chair, I believe she

1 has already answered that question and indicated she is
2 not qualified.

3 MR. FREIDIN: Okay.

4 MR. MARTEL: I have a concern. I am
5 trying to figure out what in timber management is
6 really affected for the full rotation.

7 Certainly it wouldn't be pine marten, for
8 example, they come back after a successional period, as
9 a successional process starts, moose will be there for
10 a while, if there is deer deer will be there, things
11 move on and even tourism.

12 I say even tourism. After 15, 20 years
13 when you see the regen -- and I am worried about the
14 time period, the full rotation of one -- and if a
15 hundred year rotation -- if we are looking at a hundred
16 years and everything affected, that's a pretty broad
17 statement and I guess that's why I worry about it.

18 MS. DUBE-VEILLEUX: And I will concede
19 that while we were talking about everything else over a
20 full rotation it seemed logical to follow this through,
21 and I would like to revisit this certainly with experts
22 and to do what was fair for the forest and for the
23 resources and the people it that forest.

24 MR. FREIDIN: All right. Any assistance
25 from counsel or Mr. Hanna as to which panel I should

1 direct most of my questions about this compensation and
2 hundred year base to?

3 MR. O'LEARY: Panel 8.

4 MR. FREIDIN: Panel 8.

5 Q. When you have to make these decisions
6 about the financial impact of operations on a
7 particular operator, all right, you are talking here
8 about compensation being paid calculated on some period
9 of time?

10 MS. DUBE-VEILLEUX: A. I think that is
11 definitely a factor.

12 Q. Okay. To do that, would you agree --
13 are the operators that you represent -- or do you
14 believe that operators then would have to open their
15 books to make it very clear how their business was
16 affected, where they had their money, how it would be
17 lost as a result of these operations in order to
18 determine the amount of compensation?

19 Q. Not being an insurance adjuster, I'm
20 going to say that that is certainly part of it; the
21 past performance of the operation.

22 If we were going to do this fairly, yes,
23 the past performance of the operation and given the
24 economic times and whatever, the condition of that
25 operation, whether it is whole or part of the

1 operation, the contributing -- I mentioned yesterday
2 about the fact that much of this is a spin-off type
3 benefit. You know, the air service makes this type of
4 thing. The actual investment in the physical
5 operation, the quality of the environment.

6 In other words, I would suggest that Mr.
7 Oliver would have a hard time selling that camp as a
8 business venture, the one on these pictures I
9 introduced today. That has lost a lot of its value as
10 a potential tourism opportunity. These are the types
11 of things that we would feel form part of the
12 settlement.

13 Q. All right. Just one moment.

14 A. As well as the possibilities for the
15 future.

16 Q. And if public monies were going to be
17 expended for the purpose of paying this compensation,
18 do you agree that the information that would be
19 provided would have to be made public if public monies
20 were --

21 Q. If MNR was the person that was going
22 to have to compensate? What I am saying is I see a
23 number of practical problems and I am just wondering
24 whether you have given thought to them and what your
25 views are on them.

1 Now, you have told me that you think you
2 would have to open your books and provide all of this
3 information as a pre-condition to getting compensation;
4 is that correct?

5 A. That would be a consideration, yes.
6 That certainly would be one of the factors.

7 Q. Okay. Now, what about making that
8 information public?

9 Assume now you are the tourist operator,
10 are tourist operators going to be willing to do this
11 for the purposes of implementing OFAH's term and
12 condition, the Coalition's term and condition that
13 compensation be paid?

14 A. Again, I'm not in a position of
15 selling real estate. I'm not really sure what all this
16 includes if a transaction of this type takes place and
17 I really don't feel qualified to comment.

18 Q. Okay, thank you. Can you envision
19 any cases where the tourist operator might have to pay
20 compensation for the protection afforded to it and its
21 adverse effect on another stakeholder?

22 A. I suppose it is fair across the
23 board, isn't it. There are all sort of things...

24 Q. Okay, thank you. Ms. Dube-Veilleux,
25 you made a statement during your evidence that NOTO

1 took part in the preparation of the tourism guidelines
2 but to a limited extent.

3 A. I made that statement.

4 Q. When you said that it was NOTO, are
5 you able to comment on the accuracy of this evidence
6 and this evidence was given in Panel No. 7 of the
7 Ministry of Natural Resources's case at page 10,382.

8 "They... referring to the tourism
9 guidelines,

10 "...were prepared specifically by the
11 forest industry and the tourist industry
12 working together."

13 MR. O'LEARY: Do you have a copy of the
14 transcript available for these witnesses?

15 MR. FREIDIN: No, it is very short and I
16 will give it to the witness if she needs to refer to
17 it.

18 MR. O'LEARY: I would like to read the
19 whole portions of it.

20 MR. FREIDIN: Sure.

21 Q. "They were prepared specifically by
22 the forest industry and tourist industry
23 working together, facilitated by the
24 Ministry of Natural Resources, at four
25 sets of workshops across northern Ontario

1 on two separate occasions involving well
2 over a hundred people in those two
3 industries and not one single MNR person
4 was involved."

5 MR. O'LEARY: Would you like to see the
6 transcript first before you respond to a question?

7 MS. DUBE-VEILLEUX: I would like to see
8 the transcript. I would also -- yes, before I comment
9 on that.

10 MR. FREIDIN: Sure. I apologize. I see
11 that the Ministry of Natural Resources were on a
12 steering committee and they attended some of the
13 workshops to provide advice. Perhaps let me put the
14 question another way.

15 You said that NOTO took part to a limited
16 extent, the tourist operators or representatives of the
17 tourist operators took part to a limited extent. Let's
18 put it that way?

19 MS. DUBE-VEILLEUX: A. They did have
20 some input to a limited extent.

21 Q. Who had more input than the tourist
22 operators in your opinion?

23 A. If I may explain. What year did this
24 come out?

25 Q. The actual tourism guidelines?

1 MR. O'LEARY: The transcript?

2 MR. ALEXANDER: Mid 80s.

3 MADAM CHAIR: Well, the tourism
4 guidelines were approved in '89 -- no, before that.
5 Around '88, but they would have been in draft before
6 then or perhaps for several years.

7 MR. FREIDIN: The workshops and things,
8 right.

9 MADAM CHAIR: Yes.

10 MS. DUBE-VEILLEUX: My recollection of
11 the input -- I was with Hearst Air Service at that
12 time. My recollection of input was my husband drove to
13 Timmins one day for an afternoon meeting to give input
14 on these tourism guidelines and was home the same
15 night. That's a three to three and a half drive to get
16 there and the same thing to come home.

17 It was mainly I believe -- I am only
18 recollecting. He felt it was more of an information
19 thing where they talked about doing some of this type
20 of thing or protection of tourism values and, indeed,
21 when the draft came out and the review for it came out
22 we had a lot of comments on it and felt that the
23 discussions that had taken place in Timmins were not
24 really reflected.

25 I would like to perhaps to -- I think it

1 has been given an exhibit number. I believe NOTO at
2 the time made a comment that certainly the NOTO members
3 did not feel that they had adequate input into that
4 particular document on page --

5 MADAM CHAIR: Could we have that --

6 MR. MARTEL: 2030.

7 MR. O'LEARY: 2030, yes.

8 MS. DUBE-VEILLEUX: I'm looking under
9 column F. You will see four columns and I am looking
10 at the one with the F underneath that.

11 MADAM CHAIR: Okay.

12 MS. DUBE-VEILLEUX: That was produced in
13 December of 1989 and it had been in draft stages before
14 that. I would direct you to the NOTO position No. 4.
15 Our feeling at that time, which is just after the
16 tourism guidelines came out:

17 "The guidelines for the protection of
18 tourism values are accepted as an
19 aesthetics and access option tool.

20 Actual protections for tourism values
21 have yet to be produced. NOTO recommends
22 immediate action in producing Part 2 of
23 the tourism values."

24 Clearly, NOTO did not feel that it had
25 very much to do or the operators did not feel they had

1 very much to do with the production of that little gray
2 book as tourism guidelines.

3 MR. FREIDIN: Q. That view is based on
4 the information contained in item No. 4?

5 MS. DUBE-VEILLEUX: A. I'm referring to
6 what is referred to in item No. 4. These were prepared
7 specifically by the forest industry and tourist
8 industry working together. The Ministry of Tourism and
9 Recreation was the lead ministry in this. They are a
10 ministry of their own obviously working in conjunction
11 with the tourism industry itself.

12 Q. What role did the independent
13 consulting firm of Huff Stansbury play, if any?

14 A. They were retained by the Ministry of
15 Tourism and Recreation. I think maybe the point could
16 be made that in spite of the fact that some of the NOTO
17 members had supposed input, certainly the result was
18 not what we had expected and we stated that very
19 clearly right the outset.

20 Q. Right. But my question was not about
21 the input, but whether if fact you thought -- you were
22 completely happy with the document.

23 The question I put to you was that it was
24 a document which was prepared through a process which
25 involved the tourism industry and the forest industry

1 facilitated by MNR perhaps, but primarily MTR and Huff
2 Stansbury, an independent consultant. That was the
3 process which led to their development; is that
4 correct?

5 A. This is the process. Whether it was
6 an effective process is still in question.

7 MR. MARTEL: Has NOTO made any effort
8 after reading item 4 since 1989 to get the second part?

9 I now understand what you said yesterday.
10 Part 2 hasn't been produced. I'm surprised that -- I
11 have read all your evidence prepared by the Coalition
12 now, that outside of this small reference your
13 organization hasn't - as it is quite capable of doing
14 so when it wants to - draw the attention to the
15 ministers involved to shortcomings which they felt
16 occurred because you do have a convention every year,
17 and I haven't seen anything in the media since that.

18 So I am just wondering what efforts your
19 organization has made to get phase 2?

20 MR. O'LEARY: Mr. Martel, I would
21 certainly ask Ms. Dube-Veilleux to respond to that.
22 Just a short reminder that she is not presented as a
23 representative of NOTO today because that's not --

24 MR. MARTEL: Yes, but she was on the
25 executive of NOTO until when?

1 MS. DUBE-VEILLEUX: Until 1990.

2 MR. O'LEARY: I appreciate that. I am
3 simply going to add as well that I think Mr. Hanna may
4 be able to assist in that response if you are so
5 inclined.

6 MR. MARTEL: I read the material, all of
7 the material that's going to be presented by the
8 Coalition and I simply have not seen -- the first
9 knowledge I have of this is in this document which has
10 been presented as an exhibit now.

11 No where in their evidence do they
12 present their concerns about this matter except here
13 and it came as a result of comments made by the
14 witness. I just ask if they had made any effort to get
15 what they considered the second phase going. That's
16 was all I want to know.

17 MR. FREIDIN: Just before you comment,
18 Mr. Hanna. I have no problem if Mr. Hanna wants to say
19 that the issue will be addressed in a certain panel,
20 but I don't expect him to tell you and characterize
21 what the evidence will be.

22 MR. MARTEL: I am not looking for a big
23 explanation. All I wanted -- it is a very simple
24 question. What efforts have been made to get the
25 second part going, made by the tourist industry?

1 That's all I'm asking.

2 MS. DUBE-VEILLEUX: I can only comment
3 from the time that -- up to the time that I left NOTO.

4 I think it's fair to say that the
5 participation of the Ministry of Tourism and Recreation
6 in that whole undertaking of producing these guidelines
7 and the retaining of Huff Stansbury as consultant was a
8 costly exercise.

9 I'm sure that the Board will realize that
10 to request -- and we have made the request, mind you,
11 at different times and certainly there has been
12 discussion about it, but to expect an undertaking of
13 this at this point is somewhat unrealistic given much
14 of the economic timing and state of the economy.

15 I suppose at this point I really have no
16 more knowledge, not being involved in the decision
17 making or any of the efforts that NOTO is attempting.
18 They may, in fact, could be going ahead with it, but I
19 can't say.

20 MR. O'LEARY: Do you wish to hear from
21 Mr. Hanna, Mr. Martel?

22 MR. MARTEL: Yes.

23 MR. HANNA: Mr. Martel, maybe it is
24 better that I speak to the NOTO people directly and
25 respond as far as phase 2 of the guidelines go.

1 I simply say at this time that that
2 matter has been discussed as far as the guidelines and
3 how they should be applied in timber management
4 planning, and I think it's fair to say that NOTO
5 recognizes that the guidelines as they were originally
6 proposed will not address the concerns they have and
7 that that's not approach they are adopting at the
8 present time, but I will certainly get back to you.

9 MR. MARTEL: But the Ministry itself
10 never presented it as a document to protect the values
11 either. As I recall, it dealt primarily with
12 aesthetics, but it wasn't to resolve the issues of
13 dispute.

14 Having read them, I can't recall anywhere
15 in there where they dealt with resolving issues and
16 patterns of cut and so on along roads and whatnot.
17 Conflict resolution didn't seem to be part of them if
18 I -- I am just going by memory.

19 MR. HANNA: I won't disagree with you on
20 that. I am just saying my understanding of what the
21 evidence is --

22 MADAM CHAIR: We will wait to hear, Mr.
23 Hanna. What the Board is left with is that in fact
24 there hasn't been an all-party agreement on the tourism
25 guidelines as they appear in the draft terms and

1 conditions exercise.

2 MS. SEABORN: Madam Chair, if I could
3 just comment on this. One of the problems for any of
4 the forestry issues is that we won't be seeing these
5 algamated terms and conditions between NOTO and OFAH,
6 as I understand it, while the case is going on.

7 The NOTO position is that tourism
8 guidelines shall be replaced with a forest regulation
9 design manual and I guess what my client would be
10 interested in knowing is whether there would be any
11 evidence to address that particular issue during the
12 federation -- during the Coalition's case because that
13 was a position that was put forward by OFAH that has
14 now been adopted by NOTO, I take it, by adoption of
15 these terms and conditions.

16 MS. O'LEARY: That will be addressed.

17 MR. FREIDIN: Okay.

18 MADAM CHAIR: Thank you. Go ahead, Mr.
19 Freidin.

20 MR. FREIDIN: Q. Mr. Alexander, in terms
21 of people who serve as members on a planning team, in
22 your view is it better to have people on that planning
23 team who have good experience and judgment or people
24 with a certain professional certification?

25 MR. ALEXANDER: A. Both.

1 Q. Given a choice, do you think -- let
2 me put this it this way.

3 Do you think it is absolutely essential
4 that members have certification or do you believe that
5 people can be, as a result of extensive experience and
6 having demonstrated good judgment, can be equally
7 effective members of a planning team?

8 A. I think you should always strive to
9 have the best technical people that's available to do
10 the job for you.

11 Q. Do you believe in all situations that
12 the best person available will have to have
13 certification?

14 Does the fact that you have certification
15 always mean -- when you are comparing that person to
16 someone who has got experience and has demonstrated
17 good judgment, the person with the certification is the
18 best person?

19 A. You are talking strictly at the
20 planning team level.

21 Q. Planning team level only.

22 A. Planning team level only. I can only
23 reiterate that it is important to have the best
24 technical knowledge available.

25 Q. Thank you. Mr. Alexander, can you

1 turn in the witness statements to page 42, answer --
2 question 68.

3 MADAM CHAIR: Which page was that, Mr.
4 Freidin?

5 MR. FREIDIN: Page 42.

6 MADAM CHAIR: Thank you.

7 MR. FREIDIN: Q. Do you have that, Mr.
8 Alexander?

9 MR. ALEXANDER: A. Yes.

10 Q. You say in the second paragraph:

11 "While I support the Ministry's effort to
12 enlist the public to assist in
13 identifying the location of resource
14 values, I do not feel that should be an
15 obligation on the public. In my view
16 this obligation should be borne by those
17 proposing to undertake the activity."

18 I take it you are not suggesting that
19 there is something wrong with relying on the public to
20 in fact provide information in terms of the location of
21 resource values?

22 A. No.

23 Q. Do you have any information as to the
24 percentage of the values which do get identified in
25 timber management plans which were, in fact, provided

1 by the public as opposed to being identified by MNR
2 personnel?

3 A. I'm sorry, the location?

4 Q. You said here identifying resource
5 values, so that's why I'm sticking to that.

6 A. Mm-hmm. Your question was?

7 Q. What's your response to the
8 suggestion that most values which show up on values map
9 and which are dealt with through timber management
10 planning are identified by MNR and not general members
11 of the public?

12 A. Well, that's a difficult -- I'm not
13 sure I can answer that question because, I mean, values
14 such as eagle's nests and osprey nests and these things
15 I think, for the most part, are identified by members
16 of the public and I can only assume that. I have
17 nothing to back that up with. I think they are.

18 Q. I guess somebody who is involved in
19 actually preparing the plan would be best able to
20 answer that question?

21 A. Yes, probably.

22 Q. Thank you. Ms. Dube-Veilleux, you
23 referred to a number of meetings you were involved
24 with, the Nagagami Forest, you talked about
25 co-management committees, I think you spoke about

1 co-management committees of one sort or another, Mr.
2 Alexander.

3 Can you both indicate, was MNR the
4 initiator, the body that initiated the creation of all
5 or some of these committees?

6 Dube-Veilleux: A. All or some of?

7 Q. Yes.

8 A. Yes, definitely, often in
9 consultation with the groups who were involved in
10 perhaps conflicts and specific issues and some of these
11 provisions were actually made together with MNR as far
12 as providing the administrative assistance and a place
13 to meet and recorder and they have been extremely
14 helpful.

15 Q. They have been involved in those
16 committees as well actively?

17 A. Some actively and some more as an
18 observer or as an invitee to the meeting.

19 Q. All right.

20 A. I refer specifically to the Magpie
21 co-management committee which is a new one. It is a
22 pilot project. It's something that hasn't been tried
23 in our region before.

24 It was a spin-off of the situation on the
25 Magpie Forest, and the question of bump-up and all

1 concerns came to a head at this time because the
2 manager took the lead in hiring a facilitator to put
3 together the best members of the committee that would
4 be possible depending on interests and representatives
5 of the areas and users groups. Yes, very much
6 involved.

7 Q. Mr. Alexander, is your experience any
8 different in terms of that subject matter?

9 MR. ALEXANDER: A. Not really. I will
10 just -- with one exception, that every committee that I
11 have sat on, the initiative was taken by the Ministry
12 of Natural Resources sometimes with a little prodding,
13 but yes, they took the initiative.

14 Q. Thank you very much. Now, Mr.
15 Alexander, you are a self-employed businessman?

16 A. Yes.

17 Q. What business are you in?

18 A. Home renovation.

19 Q. I take it the purpose of being
20 involved in that undertaking is to make a living to
21 support your family?

22 A. Hopefully. At times it does.

23 Q. Are there a number of factors that
24 affect the viability of your business?

25 A. Yes.

1 Q. Would you include competition?

2 A. Yes.

3 Q. Recession, the state of the economy?

4 A. Very much so.

5 Q. Interest rates?

6 A. Yes.

7 Q. Cost of new homes?

8 A. Yes.

9 Q. Government plans to perhaps let
10 people spend RRSP money on new homes?

11 A. Yes.

12 Q. Subsidizing people for renovations?

13 A. Yes.

14 Q. Labour costs?

15 A. Yes.

16 Q. Demographics?

17 A. Yes.

18 Q. How far into the future do you plan?

19 A. How far into the future do I plan?

20 Q. Yes.

21 A. Until I'm 65.

22 Q. When you started your business, did
23 you set out all the details and make some assessment of
24 all the various things that may change over the
25 complete horizon within which you thought you would be

1 in business?

2 A. I have a plan that is set out. I
3 shouldn't say I have. My wife and I have a plan that
4 is set out and it will be tough to attain it, but we
5 are trying.

6 Q. But did you sit down and figure out
7 how all these things would change over time?

8 A. No.

9 Q. You planned over a shorter period of
10 time and figured you would adjust these as things went
11 along?

12 A. That's fair, yes.

13 Q. Would you agree that if you wanted to
14 project over a longer period of time, that if you are
15 doing it for businesses -- let's say you had five
16 businesses on the street, they were all different, they
17 all had -- some of them are influenced by the same
18 factors and sometimes different factors, would you
19 agree it would be even more difficult to predict what
20 the state and what to do in relation to managing all
21 five businesses together would be like? What will be
22 good management of all those five businesses together?

23 A. Guessing at where you are leading, I
24 would say yes, that would be difficult.

25 Q. All right. Where I am leading is

1 that people have described resource management planning
2 and timber management planning in particular as very
3 complex and if it's difficult -- you in fact deal with
4 these on a short-term basis in your own business with
5 all of these factors and you have made the comments you
6 had, why do you think it is so simple or do you really
7 think it's so simple to plan for all of these resource
8 benefits that OFAH are suggesting in their terms and
9 conditions over a horizon, a planning horizon, a
10 hundred years? How reasonable do you really think that
11 is?

12 A. First of all, I don't believe I have
13 ever said it's simple. Timber management or resource
14 management is a very complex and difficult issue.

15 Having said that, if you were dealing
16 with strictly timber management in view of a fixed item
17 out there which is a tree and the object is to get that
18 tree to the mill and sell it to the market, there is
19 all kinds of factors that enter into that and whether
20 there is even going to be a market 20 years from now or
21 50 years from now.

22 I recognize all of that, but I believe
23 there are other panels here that -- I believe it is
24 Panel 8 that's probably going to address some of these
25 things. It is not a simple thing and I don't think I

1 ever said it was.

2 Q. All right. Perhaps this is the last
3 question. Do you think it would be misleading or
4 irresponsible for a management agency to tell the
5 public that their prediction of the future was -- that
6 they had a certain prediction into the future, if
7 really having regard to the time horizon you were
8 looking at and all the factors which reflect what will
9 happen really made it almost impossible to predict the
10 future? Do you see what I am getting at?

11 It is a convoluted question. I want you
12 to understand it.

13 A. I guess --

14 MR. O'LEARY: Are you looking for a
15 response to that?

16 MR. FREIDIN: I am looking for any help I
17 can get. It is my last sort of question. I would like
18 to end on a bad note.

19 MR. MARTEL: Why don't you just ask him
20 how you plan for a hundred years.

21 MR. ALEXANDER: I think that's the
22 question. It's difficult to plan for a hundred years.
23 I accept that.

24 MR. FREIDIN: Q. But why would you do it
25 if in fact the -- why would you take the time, the

1 money and the effort to do it if the reliability, the
2 chance of your prediction coming true is you really
3 don't know?

4 It is a hundred years into the future.
5 You just don't know. Why would you do it and tell the
6 public: Here is our prediction for a hundred years
7 into the future?

8 MR. ALEXANDER: A. It depends on what
9 you are predicting. If you are taking a stand of
10 timber, a forest management unit, you have aerial
11 photographs of that unit and you know the age and the
12 make-up of that forest and what you have to predict,
13 one of the things you have to predict and what you
14 should be able to predict out of that is we have a
15 stand of 20 year old trees, we have a stand of 140 year
16 old trees, a stand of 80 year old trees, whatever they
17 are, you should be able to tell the public: These are
18 the areas we are going to cut over the next horizon of
19 that forest based upon the fact that we know there is
20 going to be blow down, we know there is going to be
21 fires, we know there is going to be all kinds of other
22 things that affect that.

23 There are certainly things that you can
24 do and --

25 Q. But let me be -- that may be in

1 relation to some trees, but the OFAH terms and
2 conditions -- if you want it look at them.

3 A. Which one?

4 Q. The Coalition's terms and conditions,
5 Exhibit 1637.

6 A. Which term and condition?

7 Q. No. 5. Let's start with 3. It says
8 that the stated goal of each TMP should be:

9 "To provide a predictable supply of
10 resource benefits from the forest estate
11 through management of the forest
12 structure."

13 All right?

14 A. Yes.

15 Q. Predictable supply. Now, if you go
16 down to 5, they talk about the description of the
17 resource benefits and this is what -- assuming I am
18 correct, this is what the Coalition is saying should be
19 predicted, timber supply, populations levels for all
20 featured wildlife species, supply habitat conditions
21 required to meet population objectives, supply of
22 habitat conditions required to maintain viable
23 populations, et cetera, supply of forest ecosystem
24 types to maintain or enhance biological diversity,
25 supply of forest recreation opportunity and values,

1 hunting, fishing, viewing, camping, canoeing and
2 aesthetics and the supply of commercial non-wood
3 products, trapping and bait fish.

4 Now, let's assume that what the Coalition
5 is proposing is that those opportunities or those
6 benefits be predicted into the future for a hundred
7 years and that information should be given to the
8 public, how reasonable is that?

9 MS. DUBE-VEILLEUX: A. I would like you
10 to show me where we are asking to predict where it will
11 be in a hundred years from now.

12 I think the object of the terms and
13 conditions is that as we do the planning process that
14 all these living and breathing and real parts of
15 forests are allowed to continue to develop at a rate
16 that is acceptable.

17 Q. Are you saying then, Ms.
18 Dube-Veilleux -- do you think that it would not be
19 reasonable to predict them over a hundred years?

20 A. No, that's not what I said.

21 Q. Well, no, you said that they should
22 be taken into account when you are doing the plan.

23 MR. ALEXANDER: I believe --

24 MR. O'LEARY: Let the witness finish.

25 MR. FREIDIN: I would like Ms.

1 Dube-Veilleux to finish and I'm sorry I interrupted
2 you.

3 MS. DUBE-VEILLEUX: You asked if it was
4 going to be unreasonable or you had asked if it was not
5 unreasonable for the Coalition's terms and conditions
6 to expect the MNR to predict a hundred years from now.

7 I think what we are trying to say with
8 our terms and conditions is, given all those outside
9 influences that can change and that we all live and die
10 with there are still -- when you are altering the
11 structure of the forest, when you are managing that
12 forest and having impact on that forest, all these
13 other living, breathing things, including people and
14 what they do in a forest, can be predicted in a sense
15 by what will happen if you change the structure over a
16 period of time, recognizing that as you are taking that
17 away this is growing.

18 So you are not taking the period 1990 to
19 2090. You are taking a moving, changing period of a
20 hundred years.

21 Q. Over what period of time do you
22 believe that it will be reasonable to, in fact, make
23 the prediction as to how timber management activities
24 which are planned for a five-year period are going to
25 affect all of those various factors, the supply of

1 those various factors? How far in the future is it
2 reasonable to do that for?

3 MS. DUBE-VEILLEUX: A. Well, certainly
4 in the planning you are looking at how to maintain that
5 supply. If you are looking at it for five years, it
6 follows that at the end of that five-year period you
7 still got it so you can still plan the next five years.
8 The supply will be maintained.

9 I fail to see what you are trying to...

10 MR. O'LEARY: Is Mr. Alexander now
11 allowed to provide the answer that he was going to
12 give, Mr. Freidin?

13 MR. FREIDIN: Sure.

14 MR. ALEXANDER: I really only had a
15 comment. First of all, I do not feel that -- before I
16 say that. I had a lot of input into the drawing up of
17 these draft terms and conditions and I was very
18 actively involved with it.

19 Having said that, I don't feel it is my
20 job here to defend these terms and conditions. I think
21 my job here is to defend what I have said here in my
22 witness statement and other statements that I have
23 said, and that's not saying that I agree or disagree
24 with this particular statement, but if you are talking
25 about how far into future you can predict things and is

1 it reasonable to do that, the Ministry of Natural
2 Resources has already said we are going to double the
3 moose herd by the year 2060 or 2080.

4 MR. McNICOL: 2000.

5 MR. ALEXANDER: 2000.

6 They have made that prediction, they are
7 going to double it by then.

8 So in order to make that prediction, I
9 would assume they must also be able to say that we are
10 going to have the habitat out there for those animals,
11 too. I mean, they make long-term predictions. Maybe
12 that's not over the rotation of the forest.

13 I think you can take -- when you talk
14 about recreational -- supply of recreational
15 opportunities and values including hunting, fishing,
16 viewing, there are all kinds of data that's readily
17 available that will tell you how many millions of
18 dollars, how much hunting and fishing brings into the
19 Province of Ontario each and every year and I think you
20 can extrapolate that over the next number of years
21 based upon population estimates and a number of things.

22 There is ways of doing some of these
23 things. I'm not saying they are simple things. I know
24 there are not simple ways.

25 Q. All right. Now, you are not here to

1 support these terms and conditions, but you are a
2 person out there --

3 A. I didn't say support. I said I am
4 not here to defend them.

5 Q. All right. But I am looking at the
6 words and let's assume -- let's forget maybe that they
7 are OFAH's or the Coalition's terms and conditions.

8 If someone comes forward and says the
9 objectives for the next rotation, which is a hundred
10 years, should be quantified and should be predicted to
11 be supplied by the proposed timber management
12 activities and you are only doing a five-year plan for
13 the supply of forest recreation opportunity and
14 values --

15 A. Can we take moose for an example.

16 Q. Can't we use recreation. That was
17 the question that I put.

18 A. I think if you were going to use
19 recreation you would have to rephrase it somewhat.

20 Q. All right. Let me put it this way.
21 Do you understand what term and condition No. 5 means?

22 A. To supply resource benefits as
23 opposed to timber management is my understanding.

24 Q. "To quantify objectives for the next
25 rotation of the forest for the principal

1 benefits predicted to be supplied by the
2 proposed timber management activities
3 including, but not limited to, the
4 spacial distribution, quality and
5 quantity of..." and they list all these
6 things.

7 Have you had enough detail to understand
8 what that means?

9 A. I think I understand what that means.
10 When you take the three of them together, yes.

11 Q. Could you give me your interpretation
12 of what it means in relation to the supply of forest
13 recreation opportunities and values as identified on
14 page 2?

15 A. Well, to me what it means is that you
16 are going to say that we can produce a certain number
17 of activities, quantified number of activities and this
18 can be an objective of the timber management plan.

19 Q. Projected over what time frame and
20 what land area?

21 A. Over the horizon of the forest in the
22 area of the undertaking.

23 MR. FREIDIN: I'm sure we will hear more
24 about this, and those are my questions. Thank you.

25 MADAM CHAIR: Thank you, Mr. Freidin.

1 MR. O'LEARY: Very few.

2 MADAM CHAIR: Do you need a short break,
3 Mr. O'Leary, or are you prepared to go ahead?

4 MR. O'LEARY: I could proceed if that's
5 in order.

6 MADAM CHAIR: Fine, go ahead.

7 MR. O'LEARY: Thank you.

8 RE-EXAMINATION BY MR. O'LEARY:

9 Q. Ms. Dube-Veilleux, when Ms. Seaborn
10 was asking several questions she referred you -- asked
11 you to go back to that document, the Coalition's term
12 and condition No. 5 and all I would ask is for your
13 comment as to the degree or effectiveness of any public
14 consultation program that did not include all or any of
15 the seven items referred to under term and condition
16 No. 5.

17 MS. DUBE-VEILLEUX: The effectiveness of
18 any planning process that had not take these things
19 into consideration?

20 Q. Yes.

21 A. I would question why you have the
22 planning process unless you are only planning for one
23 thing and that has nothing to do with these other
24 things.

25 Q. All right. Can you tell me, in

1 reading term and condition No. 5, does the Coalition
2 intend that the seven items listed therein as an
3 exhaustive, all inclusive list or is that intended to
4 be an example, meaning it is not exhaustive?

5 A. I would not see this as exhaustive
6 because we cannot see 50 years from now what other
7 things may have come up that we didn't know how to deal
8 with it. I believe this addresses the living,
9 breathing, existing forest.

10 Q. All right, thank you.

11 Mr. Alexander, Mr. Freidin was asking you
12 a number of questions about how you can plan over the
13 long-term and he had made reference a number of times
14 to the one hundred year period.

15 I am just curious as to whether or not
16 you know how long the MNR and the forest industry
17 predicts its timber supply for the purposes of the
18 timber management process?

19 MR. ALEXANDER: A. I think forever.

20 Q. All right.

21 A. Rotation of the forest, certainly.

22 Q. All right. In terms of years, what
23 would you consider the rotation of the forest?

24 A. Well, a hundred years is a figure
25 that's generally kicked around, but there is some

1 dispute about that, I guess.

2 Q. All right. Now, you may not have a
3 response to this, but there was a point in your
4 response, Mr. Alexander, to the questions of Mr.
5 Freidin where he asked you one question and you made
6 reference to the inadequacy of culverts which you have
7 noticed in the last several years and you asked him if
8 he would like an example and he didn't indicate that he
9 wanted to hear it.

10 I just wanted to give you an opportunity
11 if you want to provide us with a specific example of
12 where in the last several years there has been
13 inadequate culverts?

14 A. I'm only thinking of one particular
15 one. The particular culvert was put in I guess in
16 1988, I believe, and I could be out six months one way
17 or the other there, and upon being in that area this
18 September I found a culvert was blocked with debris. I
19 knew that small creek to be, in fact, an area where
20 minnows ran up and I'm a little concerned about the
21 space so I made some attempt to clear that culvert.

22 I might point out that the culvert was
23 not blocked by beavers. It was blocked, in fact, by
24 debris. I felt that if there had been a bigger culvert
25 there and a little less debris around there wouldn't

1 have been a problem.

2 Q. All right, thank you.

3 Ms. Dube-Veilleux, Mr. Martel asked you
4 several questions in respect of your concern -- his
5 concern was what the Coalition's position is in terms
6 of the make-up of a local citizens' committee.

7 Who else can we put on it or what is it
8 that the Coalition is attempting to say?

9 I was wondering if I could direct you to
10 question 63 in the witness statement and in response to
11 Mr. Martel's inquiry whether or not your statement,
12 specifically the essential paragraph -- sorry, the
13 second sentence of the first paragraph might in any way
14 respond?

15 You will recall that his inquiry was, he
16 wanted to know what is it that the Coalition is
17 suggesting is wrong with the process or is there
18 somebody that isn't there that we would like to see on
19 the local citizens' committee.

20 MR. MARTEL: You said 63?

21 MS. DUBE-VEILLEUX: Are you referring to
22 Ms. Simon?

23 MADAM CHAIR: No, that's been changed.

24 MS. DUBE-VEILLEUX: Yes, I'm sorry.

25 MADAM CHAIR: That was in the errata.

1 Are we on page 39 of the witness statement, Exhibit
2 2017?

3 MR. O'LEARY: Well, I took the question
4 as being a fairly all encompassing one, Mr. Martel, and
5 I was asking Ms. Dube-Veilleux as to whether or not she
6 felt any portion of question 63 responded to that.

7 In particular you were inquiring as to
8 whether or not there is sufficient information or the
9 level of information that might have been available.

10 I took it as a fairly all encompassing
11 one and I was simply going to see if Ms. Dube-Veilleux
12 felt that these responded to your inquiries.

13 Q. Perhaps you need a moment. Have a
14 look at it and if you don't feel if its responsive then
15 we will move on.

16 MADAM CHAIR: I think I am out of touch
17 here. Are we referring to the previous discussion of
18 Ms. Dube-Veilleux's concern about individual agreements
19 being negotiated between tourist operators and MNR?

20 MR. O'LEARY: Earlier than that.

21 MADAM CHAIR: Can you refresh the Board's
22 memory as to what --

23 MR. O'LEARY: I just made a small note of
24 it and I had noted it as a fairly broad one and one of
25 the comments that Mr. Martel made was in relation to

1 the level or adequacy of information that would be
2 available and the make-up of the local citizens'
3 committee, and there is a number of portions of the
4 witness statement that I think address that and I was
5 simply going to take Ms. Dube-Veilleux to them to see
6 if she could more fully respond to that.

7 MR. FREIDIN: Can I just make a very
8 brief observation, Madam Chair?

9 MADAM CHAIR: Mr. Freidin.

10 MR. FREIDIN: You have heard this before.
11 This is a re-examination and you can ask for
12 clarification, but if the rules about leading the
13 witness are of any use they should be used primarily in
14 re-examination.

15 I think it is improper to say: Now, you
16 were cross-examined on this, I think there are some
17 parts of this witness statement, if you look at them,
18 that probably would sort of get you out from under the
19 problem that was created by cross-examination, what do
20 you think. That's really in effect what Mr. O'Leary is
21 doing and I would suggest it is improper
22 re-examination.

23 MADAM CHAIR: Thank you, Mr. Freidin.

24 MR. O'LEARY: Well, in the interest of
25 time, and without admitting the fact that there is

1 anything improper with those questions, which I don't
2 believe is the case, I will move on and I just have I
3 believe one other question. This will be to Mr.
4 Alexander.

5 MR. MARTEL: I will still trying to
6 remember.

7 MR. O'LEARY: It is my fault.

8 Q. Mr. Alexander, you indicated in your
9 evidence I believe yesterday or the day before that you
10 had estimated the amount of money you had lost in terms
11 of your involvement in resource based management
12 matters.

13 MR. FREIDIN: I think he said invested.

14 MR. O'LEARY: Q. Whether you have been
15 paid it or you have actually paid it out of your
16 pocket, it is still a loss.

17 I will defer to Mr. Freidin and say you
18 have invested \$15,000 and I was wondering if you could
19 advise us as to what percentage of your income in that
20 year or your average income over the several recent
21 years, what percentage would that represent?

22 MR. ALEXANDER: A. This year about 50
23 per cent.

24 Q. My point is simply that it is not an
25 insignificant amount.

1 A. Exactly.

2 MR. O'LEARY: Those are my questions.

3 MADAM CHAIR: Thank you, Mr. O'Leary.

4 Thank you very much, Ms. Dube-Veilleux
5 and Mr. Alexander. We certainly appreciate all the
6 effort you have put into presenting this evidence to
7 the Board and we would like to thank you very much for
8 coming to Toronto and taking part in this intensive
9 session.

10 MS. DUBE-VEILLEUX: It is worth working
11 for.

12 MADAM CHAIR: Thank you very much.

13 We will reconvene on Monday morning at
14 10:30 and we will begin to hear the evidence of the
15 Coalition's panel 3.

16 Dr. Carr is coming in from British
17 Columbia so we assume he will be here at 10:30 on
18 Monday, hopefully. If there are any travel problems
19 you can get in touch with Mr. Pascoe.

20 MR. HANNA: Madam Chair, he is coming in
21 Friday afternoon, so hopefully the travel problems
22 won't be that bad.

23 MADAM CHAIR: Well, we will just have to
24 worry about getting Mr. Martel here.

25 Thank you.

1
2 ---Whereupon the hearing was adjourned at 4:10 p.m., to
3 be reconvened on Monday, January 20, 1992 commencing
4 at 10:30 a.m.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

24 MC [C. copyright 1985].
25



